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Executive Journal of Iowa

EXECUTIVE JOURNAL OF IOWA

1838–1841

GOVERNOR ROBERT LUCAS

EDITED BY
BENJAMIN F. SHAMBAUGH
PROFESSOR OF POLITICAL SCIENCE IN
THE STATE UNIVERSITY OF IOWA

IOWA

PUBLISHED AT IOWA CITY IOWA IN 1906 BY
THE STATE HISTORICAL SOCIETY OF IOWA

The Executive Journal of Iowa
as kept by
Governor Robert Lucas
from
July 17 1838 to June 18 1841

8976

EDITOR'S PREFACE

From section three of the Organic Act of the Territory of Iowa, which requires the Secretary of the Territory to "record and preserve . . . . all the acts and proceedings of the Governor in his executive department" and transmit "one copy of the executive proceedings . . . . to the President of the United States," it is evident that an official record or journal of the acts of the Governor of the Territory was contemplated. But no such record or journal seems to have been preserved among the public archives in Iowa or at Washington. Indeed, students of Iowa history had come to doubt the existence anywhere of an executive journal for the Territorial period. The recent discovery among the papers of Robert Lucas of a manuscript record of executive acts for 1838–1841 was, therefore, a surprise as well as a great joy.

This journal, which is now made accessible for the first time, is found in a well preserved folio volume of four hundred and two pages of manuscript. Two hundred and seventy-nine pages constitute what in this printed volume is designated as the *Executive Journal of Iowa 1838–1841*. The remaining one hundred and twenty-three pages of the original volume are filled with hymns and verses, many of which appear to have been composed by Governor Lucas for members of his family and relatives. They have a decidedly religious tone, and seem to have been written

late in life. The dates show that they were for the most part recorded between March, 1851, and October, 1852.

From the provisions of the Organic Act quoted above it appears clearly enough that to keep the journal of the executive acts was one of the important duties of the Secretary of the Territory. But no part of the journal during the administration of Governor Lucas is recorded in the handwriting either of William B. Conway, the first Secretary of the Territory, or of James Clarke, his successor. Governor Lucas was, moreover, very much provoked by the failure of Secretary Conway to perform this particular duty. On September 5, 1838, from Burlington he wrote to Conway at Davenport: "I would be glad to see you at this place. I am anxious to commence official duties in a regular manner, which cannot be done until the Sec^{ty} is present." (See below p. 24.) Again on December 26, 1838, he wrote impatiently: "I would also, wish to know whether you do or, do not intend to discharge the duty required of you by the Organic law relative to recording the acts and proceedings of the Governor in his Executive Department. Nothing of this kind has yet been done by you and I think it time that this business was done. If it is not your intention to perform these duties I wish to know it, that I can make a representation to the proper Department at Washington. I request an explicit and *unequivocal* answer to the above." (See below p. 69.) Still later, March 12, 1839, Governor Lucas declares in a letter to John Forsyth, Secretary of State, that "if Mr. Conway has performed any duty as Secretary of the Terri-

tory further than his connection with the Legislative Assembly it is unknown to me. I know that he has not made up a page of Executive record;" and so "I have been compelled to perform *both* the duties of Executive and Secy as far as, the duties of Secy were connected with the Executive Department." (See below pp. 112, 113.)

Were the duties of Recording Secretary performed by the Governor's Private Secretary, Theodore S. Parvin? It would be quite natural to suppose that they were. But a comparison of Parvin's handwriting with the original manuscript leaves no ground for the support of this hypothesis.

Moreover, a close examination of the original manuscript reveals the fact that the letters and documents were copied by three different persons. A little more than one-third of its contents is in the characteristic handwriting and above the autograph signature of Governor Lucas. Two letters (See below pp. 99 and 114) were recorded by some unknown person whom I have referred to as *Y*_____. The remaining letters and documents, constituting approximately two-thirds of the whole manuscript, were recorded by a third person whom I have designated as *X*_____. Although I do not have proof positive of the fact, I am nevertheless satisfied in my own mind that *X*_____ was none other than Jesse Williams, a young man who had come to the Territory with Governor Lucas in August, 1838, and who acted in the capacity of Messenger to Robert Lucas as Superintendent of Indian affairs. (See below p. 312). I have come to this conclusion after carefully comparing the original manuscript with a number of letters and papers known to

have been written by Mr. Williams. Furthermore, memoranda in the handwriting of Jesse Williams on many of the letters received by Governor Lucas indicate that he actually served the Governor in the capacity of Secretary.

It will be noted that in the early pages of this volume one proclamation and five letters bear the signature of Wm. B. Conway, Acting Governor of the Territory. The explanation of this lies in the fact that Mr. Conway, who had been appointed Secretary, arriving in the Territory several weeks before Governor Lucas, undertook to act as Governor. By recording his acts in this journal, Governor Lucas officially recognized their validity.

Attention should be directed in this place to the title of the original manuscript volume as recorded on the first page which reads: *Copy of Ex[ec]utive Letters.* (See below p. 1.) This title is somewhat misleading, since the volume contains much besides executive letters and is in fact an executive journal. I have, therefore, taken the liberty of publishing the manuscript under the more appropriate title of *Executive Journal of Iowa 1838–1841.*

Although the many editorial problems which have arisen in connection with the publication of this volume need not be discussed, a few explanations may be of service to the critical reader. In the first place the manuscript has been treated as a whole; and so the letters and documents have been printed in the order in which they appear in the original, notwithstanding the fact that they were not always recorded in strictly chronological order. (See below *Calendar of Contents* p. xiii.)

The text of the manuscript has been printed with exactness (*verbatim et literatim et punctuatim*) in respect to headings, addresses, sentences, words, spelling, punctuation, capitals, etc. Matter inserted by the editor (as for example omitted letters) is included in square brackets. In supplying omitted letters, words which seem to have been intended as abbreviations have been printed as they were written in the manuscript. But where through carelessness or haste words have not been spelled out the omitted letters have been supplied in square brackets. Of course it is often difficult to say what is intended abbreviation and what is merely the result of carelessness or haste.

For assistance in preparing this volume for the press I am indebted to Mr. John C. Parish whose detailed knowledge of the letters and papers of Governor Robert Lucas has made his services of special value.

Benj. F. Shambaugh

Iowa City Iowa
April 1906

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Copy

of

Ex[ec]utive Letters.

EXECUTIVE JOURNAL

OF

GOVERNOR ROBERT LUCAS

[*Recorded by X*_____][1]

Piketon, Ohio July 17th 1838

To the Hon. John Forsyth
Secty of State of the U. S.

Sir

I this moment had the honor to receive your communication of the 11th Inst. transmit[t]ing a commission (dated the 7th Int) appointing me Governor of the Territory of Iowa, which appointment, I cordially accept, and assure you, that every exertion to the extent of my abilities will be [exerted][2] used to discharge the duties of the appointment, in accordance with the wishes of the administration of the general government, and, to the satisfaction of the American people.

In answer to the request in your communication, I will state, that I was born in Jefferson County, Virginia, on the 1st day of April A. D. 1781.

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[1] See Editor's preface above.

[2] This word is used in the text, but is crossed out and the word "used" substituted therefor. The change was apparently made by some one other than the person who recorded the document.—Editor.

I will start in a few days to the Territory of Iowa, and shall, on my arrival proceede forthwith, to the discharge of the duties of my appointment.

I have the honor to be
with sincer Respects
Your Obt Sert
(Signed) Robert Lucas

[*Recorded by X*_____]

Proclamation

Whereas, by an act of Congress, entitled an act "to divide the Territory of Wisconsin and establish the Territorial government of Iowa," approved on the 12th day of June, 1838, it is enacted and declared, that temporarily and till otherwise provided by the Legislativ[e] Assemb[l]y, the Gove[r]nor of the Territory of Iowa may define the *Judicial Districts*, of said Territory and assign the Judges who may be appointed for said Territory, to the said Districts, and also appoint the time for holding *Courts* in the several counties in each District, by proclamation to be issued by him."

And whereas it is also provided, in the act of Congress above cited, that the said Territory of Iowa "shall be divided into three judicial districts, and a district court, or courts, shall be held in each of the three districts, by one of the Judges of the Supreme Court; and whereas the necessity of an immediate compliance with the requirements of the act

of Congress, aforesaid, as regards the organization of the Territory of Iowa for Judicial purposes, is sufficiently apparent, therefore, I, WILLIAM B. CONWAY, acting governor of Iowa, for the time being, by virtue of the power and authority in me vested by the act of Congress aforesaid do appoint, direct and declare, that temporarily, and until otherwise provided by law of the Legislative Assembly, the counties in said Territory which have been already organized for Judicial purposes, shall be divided into three districts, as follows:

1. The counties of Clayton, Du Buque, Jackson and Cedar, shall form and constitute the first Judicial District, which is hereby assigned to the Hon. THOMAS S. WILSON.

2. The counties of Scott, Musquitine, Louisa, Slaughter and Johnson, shall form and constitute the second Judicial District, which is hereby assigned to the Hon. JOSEPH WILLIAMS.

3. The counties of Lee, Van Buren and Des Moines, shall form and constitute the third Judicial District: which is hereby assigned to the Hon. CHARLES MASON, Chief Justice of the Territory of Iowa.

And it is further directed and declaired, that the courts in the several counties of the districts, thus temporarily established shall be held as follows:—

1st DISTRICT

In Clayton county, on the 2d Monday in September next.

Du Buque, 1st Thursday after said second Monday.

Jackson, 4th Monday in September, and Cedar, 1st Monday in October.

2nd DISTRICT

In Scott county, 1st Thursday after the first Monday in October next.

Musquitine, 2nd Monday in October.

Louisa, 3rd Monday in October.

Slaughter, 4th Monday in October.

Johnson, 1st Thursday, after the 4th Monday in October.

3rd DISTRICT.

In Lee county, 1st Monday in November next.

Van Buren 2nd Monday in November.

Henry, 3rd Monday in November.

Des Moines, 4th Monday in November.

Given under my hand and seal, at the city of Burlington, this the 25th day of July, in the Year of our Lord one thousand eight hundred and thirty-eight, and of the independence of the United States the Sixty third.

Wm B. CONWAY

Acting governor of the Territory of Iowa.

[*Recorded by X*_____]

Devenport Territory of Iowa

August 5. 1838

To Wm B. SLAUGHTER Esqr

Sec. of Wisconsin Territory

Sir,

As soon as it may comport with your official convenience, have the goodness to transmit to the under-

signed at this place, a list of the present officers of that portion of the late Territory of Wisconsin which lies west of the Mississippi river, confining the statement to those officers who derived their appointments from the Governor and Legislativ[e] Assembly; together with any other information which your experience may obligenly suggest, as necessary to enlighten the undersigned in the performance of his duties, as Secretary and Acting Governor of Iowa.

And if there be in your possession any papers documents or records, belonging of right to this portion of the Territorial jurisdiction, which was divided, by act of Congress on the 3^{d} of July last, you will also enclose them to the undersigned, who will acknowledge the receipt of the same, and acknowledge the obligation which your promptly polite attention will thereby impose.

Very respectfully
Your Ob^{t} Ser^{t}
Wm B. Conway
Acting Governor of Iowa Territory.

[*Recorded by X*———]

Devenport, Territory of Iowa,
August 6, 1838—

To Hon. Joseph Williams,

Dr. Sir,

Your letter, dated at Chester Pennsylvania, July 7th did not reach me until the evening of yesterday. You enquire, relating to the necessity of

your presence in this Territory, will be fully answered, by my Proclamation of July 25, which you will find in the "*Iowa Sun*" of the 4th inst. a copy of which is herewith transmitted.—

Your District which is enumirated the "Second Judicial District" is as regards geographical position, the middle District, and altho. it comprehends one county more than the first and third Districts, it has at this time the least amount of business, and is in many other respects, according to my opinion by far the most desirable District in the Territory.—Your presence here will be necessary in the first week of October next.

With very respectful consideration,
I remain your Obt Sert
Wm B. Conway
Acting Governor of Iowa.

[*Recorded by X*_____]

Burlington Territory of Iowa
August 14. 1838—

To the Hon. John Forsyth,
Secty of State for the United States.

Dr. Sir,

Owing to some deplorable mismanagements of the mails of this quarter, (of which the undersigned intends to advise Mr. Kendall) your communication to the Governor, or, in his absence, of the secretary of Iowa, enclosing an act of Congress, approved on the 18th of June 1838, relating to

the adjustment of the disputed boundary line between this Territory and the state of Misoura, was not received until this day.—

The communication of which reference has been made, bears date the 28th of June 1838, and is addressed to His Excellency Henry Atkinson of whose declination your department has been already advised.[1]

The undersigned has also received and acknowledged the receipt of a communication from Mr. Albert M. Lea, the Commissioner on the part of the United States, and in relation already stated dated at Washington City, on the 5th day of July 1838, setting forth that he would be at St. Louis on or before the first day of August inst., prepaired to receive any communications relating to the object of his appointment, which the Governor of this Territory should think proper to transmit.

In presence of the acknowledged importance of the question at issue between the state of Missouri and this Territory, the undersigned cannot satisfy himself of the propriety of appointing a Commissioner, on the part of the Territory of Iowa, without having sufficient time to make a judicial choice. It is the earnestly expressed wish of the people of this Territory, in which the undersigned as e[a]rn[e]stly participates, that a Commissioner, on the part of Iowa, should be appointed, and be present, at the adjustment of the disputed boundary.—

And in as much as your letter of instruction of the 28th of June, is understood to exclude only the idea of "*unneces-*

[1] General Atkinson had been offered the position of Governor of the Territory of Iowa prior to the appointment of Robert Lucas.—EDITOR.

sary delay," M^r^ Lea has been duly advised, by the undersigned, in a letter of this date, and the same information is hereby communicated to the Department of state, and a similar assurence (also of this date) has been given to the Governor of Missouri, that a Commissioner, on the part of the Territory of Iowa, will be appointed "*without unnecessary delay*," by the undersigned (should Governor Lucas or another successor, not arrive) of which appointment the parties just named shall be duly informed.

Mr. Lea has therefore, been requested to suspend his operations as a Commissioner on the part of the United States for a short while, until a Commissioner shall have been appointed in this Territory, which appointment is now intended, without the least desire to occasion unnecessary delay.—

With respectful consideration the undersigned has the honor to subscribe himself

Your very Ob^t^ Ser^t^
Wm B. Conway
Acting Governor of Iowa Territory.

[*Recorded by X*_____]

Executive Department
Burlington Territory of Iowa
August 14, 1838—

To His Excellency
L. W. Boggs
Governor of Missouri.—

Dr. Sir, The undersigned has this day had the honor to

acknowledge the receipt of a communication from the Honorable John Forsyth, Secretary of State for the United States, accompanied by the act of Congress of June 18th 1838,—which authorizes and provides for the settlements of the boundary line between the State of Missouri, and the Territory of Iowa.

The undersigned would therefore respectfully inform your Excellency that the appointment of a Commissioner on the part of this Territory is intended; and will be made with all the dispa[t]ch which may comport with the admitted importance of the question at issue.

The Commissioner of the part of the United States has, therefor been requested to suspend proceedings in the premises until the intended appointment, on the part of this Territory should have been made, in which request your Excellency is respectfully invited to concur. And the obligation will be thankfully acknowledged, if the information be given whether a Commissioner on the part of Missouri has been or will be appointed; and if already appointed, your Excellency obligingly intimate whether a suspension of proceedings will be ordered, on your part, until proper and sufficient time shall have been allowed to appoint a Commissioner to superintend the interests of the Territory of Iowa in a controversy which the undersigned hopes can, and will be, disposed of in a manner which will be in accordance with the equity of the case. And in the disposition of this question assurances of the kindliest feelings, on the part of the undersigned, are freely and sincearly given; and so far as the intentions of the people of this Territory have

been ascertained in the matter, we know to accord with an approved maxim of modern diplomacy, that is, "to demand nothing but what is clearly right, and submit to nothing that is wrong,"—in which the undersigned avows his ready concur[r]ence, accompanied by an e[a]rnest expression of the very respectful consideration with which he remains

Your Excellency's

Ob^{t} Ser^{t}

Wm B. Conway

Acting Governor of the Territory of Iowa

[*Recorded by X*_____]

Burlington, Territory of Iowa
August 14. 1838

To Albert M. Lea Esq^{r}

Commissioner for the United States to adjust the southern boundary of the Territory of Iowa.

Sir,

Your communication dated at Washington City, on the 5th day of July last, informing the Governor of the Territory of Iowa that you would be at St. Louis on or befor[e] the 1st day of August inst. prepaired to proceede to the purformance of your official duties, as Commissioner on the part of the United States, in adjusting the southern boundary of this Territory, was not received until this morning; What may have occasioned the delay, is not comprehended by the undersigned.—

Acommunication from the Honorable, the Sec^{ty} of State for the United States, was also received (in connection with the subject of yours of the 5th July) which was dated on the 28th of June, accompanied by the act of Congress, approved June the 18th in accordance with the provisions of which your official action is required.

The undersigned has respectfully suggested to the Department of State, the difficulty of selecting a Commissioner, without some little time and reflection, to superint[e]nd the interest of this Territory in the adjustment of a question of such acknowledged importance., But, this appointment is intended, and will be made without unnecessary delay; of which the Com^{r} on the part of the United States will be duly advised. A communication is also made this day by the undersigned, bearing on this subject to the Governor of Missouri; and made the fullest assurance that the appointment of a Commissioner on the part of this Territory is intended, and will be made with all convenient and proper despatch the Com^{r} on the part of the United States is hereby requested to suspend proceedings in the premises until an appointment can be made with deliberate judgment which the magnitude of the case requires.

Very respectfully

Your Ob^{t} Ser^{t}

Wm B. Conway

Acting Governor of Iowa Ter.

[*Recorded by X*_____]

PROCLAMATION—

EXECUTIVE DEPARTMENT OF THE TERRITORY OF IOWA

KNOW YE, That I ROBERT LUCAS *Governor of the Territory of Iowa*, by virtue of the power vested in me by an act of Congress, passed on the 12th day of June, A. D. 1838, enti[t]led "An Act to *divide* the territory of Wisconsin, and *establish* the Territorial government of Iowa"—do hereby proclaim and declare that I have in pursuance of the provisions of the 4th section of the [act][1] of Congress aforesaid apportioned the numbers [members] of the Council and House of Representatives amongst the several counties of the Territory as follows, viz:—

The County of Des Moines three members of the Council, and five members of the House of Representatives.

The county of Lee one member of the Council and four members of the House of Representatives.

The county of Henry two members of the Council and three members of the House of Representatives.

The county of Van Buren two members of the Council and three members of the House of Representatives.

The counties of Louisa, Musquitine and Slaughter and the country lying west of, and attached to the county of Slaughter for judicial purposes shall form an election district and elect one member of the Council, and four members of the House of Representatives.

[1] This word appears to have been inserted later as a correction.—EDITOR.

The counties of Johnson, Cedar Jones and Linn shall form an election district and elect one member of the Council, and one member of the House of Representatives.

The counties of Scott and Clinton shall form an election district and elect one member of the Council and two members of the House of Representatives. And the counties of Jackson, Du Buque, Delaware, Buchanan, Fayette and Clayton, shall form an election district, and elect two members of the Council, and four members of the House of Representatives. And I do further order and direct, that the first Election of the said members of the Council and House of Representatives shall be held on the second Monday of September next ensuing; and that the sheriffs of the several counties within said territory shall, within their several counties give at least ten days previous notice of holding said election, by publishing the same in one or more newspapers in each of said counties, if any newspaper be published therein, or by putting up at lea[s]t five written or printed notices in each and every precinct in each of said counties. *And it is further ordered and derected*, That the election to be held for members of the Legislative Council and House of Representatives as aforesaid, shall in all respects, be held conformable to the provisions of the act of the Territory of Wisconsin, providing for and regulating general elections in said territory, passed January 17th 1838 so far as the provisions thereof may not controvene or be incompatible with the organic law of the said territory of Iowa. *And I do also direct and appoint*, That at the same time and place and manner above specified for electing the mem-

bers of the Legislature, there shall be elected, by the qualified voters of the several counties, One delegate to the Congress of the United States under the provisions of the 14th section of the act of Congress of the 12th of June 1838, establishing the territorial government of Iowa.—*And it is further directed and* ESPECIALLY ENJOINED on the Clerk of the board of County Commissioners of each county, respectively to make out as soon after the election as practicable a certified abstract of the votes in his county for delegate to Congress; Also an abstract of the votes given for Council and Representatives and to transmit the same by mail to the Governor of the Territory at Burlington.

In testimony whereof I have hereunto set my hand and affixed my seal, this 15th day of August 1838.

ROBERT LUCAS {SEAL}

[*Recorded by X*_____]

ROBERT LUCAS,

Governor of the Territory of Iowa.

To all who shall see these presents *Greeting* KNOW YE, That reposing special trust and confidence in the integrity and ability of JAMES DAVIS of Des Moines county, I have, by virtue of the authority vested in me by an act of Congress entitled an "act to authorize the President of the United States to cause the southern boundary line of the

Territory of Iowa to be ascertained and marked" approved June 18th 1838, appointed him Comr on behalf of the Territory of Iowa to meet in conjunction with the commissioner that may be appointed by the President of the United States, and the state of Missouri in pursuance of the provisions of the act of Congress aforesaid, and do authorize and impower him to execute and fulfil the duties of that office according to law, and to have and to hold the said office with all the powers privilages and emoluments thereto of right appertaining unto him the said *James Davis* until the duties specified in the act of Congress aforesaid shall have been performed.

In testimony whereof I have caused the seal of the Territory of Iowa to be hereunto affixed (private seal the public seal not yet procured) given under my hand at the City of Burlington, the 1st day of September, in the year of our Lord one thousand eight hundred and thirty eight, and of the Independence of the United State of America the sixty third.

By the Governor ROBERT LUCAS

[*Recorded by X*_____]

ROBERT LUCAS,

Governor of Iowa Territory

To all who shall see these presents Greeting.

KNOW YE, That reposing special trust and Confidence in the integrety and ability of Isaac Van Allen of Henry

County, I have by virtue of the authority vested in me by an act of the Council and House of Representatives of the Territory of Wisconsin entitled an act for the partition of the half breed lands approved January 16th 1838, appointed him Commissioner to fill the vacancy in the board created by the second section of the act aforesaid, caused by the resignation of Thomas S. Wilson, and do authorize and empower him to execute and fulfil the duties of that office according to law, and to have and to hold the said office with all the powers privilages and emoluments thereto of right appertaining unto him the said Isaac Van Allen until the duties specified in the act aforesaid shall have been performed.

In testimony whereof I have caused the seal of the territory of Iowa to be hereto affixed.[1] Given under my hand at the City of Burlington the 1st day of September 1838, and of the Independence of the United States of America sixty third

By the Governor. ROBERT LUCAS.

[*Recorded by X*_____]

Executive Department Iowa Ter^{y}
City of Burlington Sep^{t} 1. 1838

Sir,

In discharge of the duties required of me as Governor of Iowa Territory, by the 18th section of the act entitled "an

[1] On the margin the following words are written in pencil: "Private seal the public seal not having yet arrived."—EDITOR.

act to divide the Territory of Wisconsin and to establish the territorial government of Iowa", approved the 12th of June 1838, I have made out a catalogue of books for the library of the Territory, and have put in the hands of an agent at Cincinnati Ohio, to make the purchases for me, and will in a few days draw a bill on the Treasury Department in favou[r] of my agent for the full amount of the appropriation made for the purchase of a Library for this Territory.

I have thought this course to be advisable as the Books could be purchased upon much better terms in the eastern cities than in the west.

The other appropriations made for the use of the Territory, it would be most convenient for us to receive in warrants or drafts on the land offices in the Territory particularly the land offices at this city (Burlington.) Will you be pleased to express to me the wishes of the Treasury Department on this subject, and inform [me][1] in what manner it would be most conveni[e]nt for the Department to pay the salaries of the officers of the Territory, the appropriation for the Governor's contingent fund, and for the expenses of our Legislature.

With sincere respects
I am Your Obt Sert
Robert Lucas

Hon. Levi Woodbury
Secty Treasury U. S.

[1] This correction is made in pencil in the text.—Editor.

[*Recorded by X*_____]

Executive Department Iowa Ter.
Burlington, Sept. 3d 1838

Sir,

In pursuance of the provisions of the act of Congress of the 18th of June 1838 entitled "an act to authorize the President of the United States to cause the southern boundary of the Territory of Iowa to be asscertained and marked" I have appointed Doctor James Davis of Burlington a commissioner on behalf of the Territory of Iowa, to act in conjunction with the commissioner appointed by the United States, and such commissioner as may be appointed by the state of Missouri, in surveying, ascertaining and marking the southern boundary line of the Territory of Iowa, in pursuance of the act of Congress aforesaid.

Will you do me the favour to inform me who has been (if any may be) appointed Comr on the part of Missouri, and when and where in your opinion, it would be most conveni[e]nt, for the Commissioners [to][1] meet.

With sincere Respect
I am Your Obt Sert
Robert Lucas

His Excellency L. W. Boggs
Governor of Mis[s]ouri.

[1] This word was evidently inserted at a later time.—Editor.

[*Recorded by X*_____]

Executive Department Iowa Ter^{y}
Burlington, Sep^{t} 3^{d} 1838—

Sir,

Your letter from Easton Maryland of July 28th was duly received.

Doctor James Davis, of Burlington, in Des Moines country,[1] has been recently appointed a Commissioner on behalf of the Territory of Iowa, to meet in conjunction with yourself, and a commissioner to be appointed by thestate of Missouri, in run[n]ing, marking and ascertaining the southern Boundary line of the Territory of Iowa west of the Mississippi River, which divides said Territory from the state of Missouri, in pursuence of an act of Congress of the 18th of June 1838, authorizing the President of the United States to have the southern boundary line of the Territory of Iowa ascertained and marked.

Dr Davis will be prepaired to meet you at such time and place as you may designate.

With greate respect
I, am, your Ob^{t} Ser^{t}
Robert Lucas

To
Albert M. Lea Esq^{r}
Com^{r} &c.
St. Louis Missouri.

[1] This should have been written "county."—Editor.

[*Recorded by X*_____]

Executive Department, Iowa. Ter.
Burlington Sep^{t} 5. 1838—

Sir,

Your communication of the 28th of June last transmit-[t]ing a copy of an act of Congress approved, 18th of June 1838, To "Authorize the President of the United States to cause the southern Boundary line of the Territory of Iowa, to be designated and marked" was handed to me a few days since by Mr. Conway, who informed me that he acknowledged its receipt previous to my arrivel in the Territory.

I have now the honor to report to you, that on the 1st Inst James Davis Esq^{r} of this city was appointed and commissioned by me, a Commissioner to act on the part of the Territory of Iowa, under the provisions of the act of Congress aforesaid.

I this day received a letter from A. M. Lea Esq^{r} United States commissioner dated St. Louis the 1st Int. informing me of his arrival at that city. M^{r} Lea has been informed of the appointment of a commissioner on the part of Iowa Territory, and that he would be ready to meet the other com^{rs} at such time and Place as might be designated.

With sincere respects
I am, Your Ob^{t} Ser^{t}
Robert Lucas

To the
Hon. John Forsyth
Sect^{y} of State United States.

[*Recorded by X*_____]

Executive Department, Iowa Territory
Burlington Sep[t] 5. 1838.

Sir,

I acknowledge the receipt of your communications of the 1[st] Inst. at St. Louis.

A communication in answer to your[s] of the 28[th] of July was forwarded (from this office) by mail on the 3[d] Inst.

Dr. James Davis Commissioner on the part of Iowa Territory will correspond with you as to the time of meeting &c.

Very respectfully
Your Ob[t] Sert.
Robert Lucas

A. M. Lea Esq[r]
Com[r] &c
St. Louis Mo.

[*Recorded by X*_____]

Executive Department, Iowa Ter.
Burlington, September 5. 1838.

Dear Sir,

I have after examining all the principal towns in the Territory, determined on this place as the most convenient for the temporary seat of government, and have determined on locating here until the seat is fixed by the Legislature.

I have procured me an office and have bespoke an adjoin-

ing room as an office for you, as it will be convenient to have the executive office near the Sect^{y}

I would be glad to see you at this place. I am anxious to commence official duties in a regular manner, which cannot be done until the Sect^{y} is present.

I will assemble the Legislature about the 1st Monday of November, and it will be necessary before that period to procure stationery for their use and the funds for their payment.

I have thought that the stationa[r]y as well as the stamp press for the seal could be purchased upon better terms in Cincinnati than at any other place. M^{r} Parvin expects to start for Cincinnati in a few days, and would attend to the purchase of stationary and such other articles as might be wanting for the Territory should you see proper to authorize him to do so.

With sincere respect
I am, Your Ob^{t} Ser^{t}
ROBERT LUCAS

W^{M} B. CONWAY Esq.
Sect^{y} I. T.
Devenport.

[*Recorded by X*_____]

Executive Department Iowa. Ter
Burlington, Sep^{t} 6, 1838

Sir,

I have this day drawn on your Department in favour of T. S. Parvin or order for $5,000—being the am^{t} of the

appropriation of Congress by act of the 12th June 1838 for procuring a library for this Territory.

Respectfully Sir,
Your Obt Sert
Robert Lucas

Levi Woodberry Esq
Sectry Treasury United States.
Washington, City.

[*Recorded by X*——]

Executive Department Iowa Territory
$5000. Burlington, Sept 6, 1838.

The Secretary of the Treasury of the United States will pay to T. S. Parvin or order Five thousand dollars—The amount of an appropriation made by an act of Congress of the 12th June 1838 for the purchase of a Library for the Territory of Iowa.

Robert Lucas
Govr of Iowa Ter.

[*Recorded by X*——]

Executive Department
Iowa Territory, Burlington Sept 6, 1838

Dear Sir,

On my return to this city from Du Buque I received your letter of the 13th of August. Your suggestion with regard to adding Johnson, and other reports to the law list

as well as an addition to the Medical Books meets my entire approbation, should the fund be sufficient to procure them. I would like to have included in the Library such works as have been published relative to the Indian character, Their Portraits biographies &c. Also a complete set of elementary school Books, such as have been approved by the college of teachers of Cincinnati, and a more general assortment of standard Theological books, embracing some of the standard works of all denominations of *Christians*, as well as the Mahomitan Koran. I also wish to have purchased for the Library a manuscript volum[e] containing the Township Plats of all the surveys lands in this Territory. This volum[e] can can be had of Mr Morrison in the Surveyor Generals Office.

Sir, I am perfectly willing to submit to your judgment in filling the catalogue of Books for the Library to the amt of $4000. including your per centage.

You will please marke the cases Govr R. Lucas to the care of John S. David Burlington, Iowa Territory.

This letter will be handed to you by Mr Pa[r]vin my Private Secretary. He has been furnished with a check on the Treasury Department, and will make arrangements to have the funds ready as soon as the Books are forwarded.

With sincere respects
I, am, Your Obt Sert
Robert Lucas

Edward Lucas & Co.
Booksellers
Cincinnati Ohio.

[*Recorded by X*_____].

Executive Department
Iowa Ter. Burlington Sep^{t} 6. 1838

Dear Sir,

On my return to this city from Du Buque, I received your kind letter of the 14th of August, and for your friendly assistance in selecting Books for our Library I sincer[e]ly thank you.

I have written to E Lucas & co. and have requested him to include the Books suggested by you.

M^{r} Parvin who acts as my private secretary will hand you this letter. He visits Cincinnati for the purpose of procuring stationary and some other articles that are wanting in the Territory, and will attend to having such books forwarded as may be procured. I would be thankful for any advice or assistance that you may render Mr. Parvin in selecting the articles he may wish to purchase.

Our election take[s] place on Monday next, and the first Legislature will be assembled at this place about the first Monday of November.

With sincere respects
I remain
Your Ob^{t} Ser^{t}
Robert Lucas

E. S. Hains Esq^{r}
Surveyor General
Cincinnati, Ohio.

[*Recorded by X*_____]

Executive Department, Iowa, Ter.
Burlington Oct. 4. 1838

Sir,

I have just received and examined your letter of the 28th Ult°. In which you state that you received more votes for Representative than any other candidate in your district; but that a number of Votes in which your name was not written at length were rejected or thrown away, and requesting me to inform you (if the number were sufficient to throw you Oout) the name of the candidate that would be elected in your stead.

Sir, in compliance with your request I will give you a correct statement of the votes as certified to me by the clerk of the board of Commissioners of Scott county. It is as follows.—Abstract of votes given for members of the House of Representatives of the Territory of Iowa, in the election district composed of the counties of Scott and Clinton at an Election held in the said counties on the 10th of September A D. 1838.

For Jabaz A. Burchard One hundred ninety three—193
" Laurel[1] Summer Two hundred & thirty one— 231
" Sam[l] R. Murry Two hundred & Elev[e]n— 211
" George W. Harlin Two hundred & three— 203
" Jabez A. Burchard Jr. Fifty nine— 59

From the abstract you will perceive that Mr[srs] Summer and Murry has the highest number of votes as returned to

[1] This was first written " Samuel," but was corrected.—Editor.

me; but if the votes returned for Jabez A Burchard and Jabez A Burchard Jr. were all intended for you, it would give you the highest vote of any candidate. Of this I am not the competent judge, as I have no authority to question the correctness of the returns officially transmitted to me.

With regard to contesting a seat of a member of the Legislature, and the manner of conducting such contest, I consider that I would be travelling out of my appropriate sphere of duty, as Executive to express my opinion on the subject, as each branch of the Legislature are the judges of the qualifications of its members.

You will perceive by the Organic law that it is made the duty of the Governor to apportion the number of Council and Representatives and to direct the first Election to be held at such time and place, and to be conducted in such manner as he shall appoint and direct; and that it is made his duty to declair the person or persons having the highest number of votes for council or Representatives in each county or district to the number such county of district may be entitled, to be elected; with a provision to order a new Election when there is a tie between two or more persons voted for to supply the vacancy made by such tie.

The foregoing is the extent of the powers vested in the executive by the Organic law, relative to the first Election.

By examining the Proclamation of the 15th of August, ordering the election you will perceive that the election was directed to be held in all respects conformably to the provisions of the election law of Wisconsin, so far as the pro-

visions thereof might not contrevene, or be incompatable with the Organic law of the Territory of Iowa.

With sincere respect
I am Your Obt Sert
ROBERT LUCAS

JABEZ A BURCHARD Jr. Esqr
Pleasant Valley
Scott co. Iowa.

[*Recorded by X*_____]

Executive Department Iowa Territory
Burlington, Oct. 4, 1838.

Sir,

By last evenings mail, I received your letter of the 26th Ultº—also a communication containing the affidavits of B. Rodefer and others, complaining of the inelegibility of Thomas Cox, to a seat in the House of Representatives of the Legislative Assembly of this Territory. I also, received a communication some days since, dated the 20th Ultº signed by N. Jefferson and others, containing a similar complaint.

In answer to your enquiries, I can only say that, I regret that any cause of dis[s]atisfaction should arise, as to the qualification of any member returned elected to a seat in our legislative Assembly, but it would be travelling entir[e]ly out of my appropriate sphere of duty as Executive, for me to express any opinion with regard to the eligibility of any person that may be returned as a member elect, to a seat in either branch of the legislative Assembly of the Territory,

as each branch has the legitimate right to judge as to the qualification of its own members.

The subject complained of, in your communications, is one that rests between the person returned elected, and his constitutory, and as executive, I have no right to question the correctness of the returns of any election that may be officially transmitted to me in pursuance of the Organic law of the Territory, and the Proclamation of the 15th August issued under it.

This being the case you will perceive the impropriety of my expressing any opinion, with regard to the qualifications of persons returned, as members elect of a coordainate branch of the government of the Territory.

With sincere respect,
I am, Your Obt Sert
ROBERT LUCAS

JAMES K. Moss Esqr
Clerk district Court of Jackson
County Iowa, Territory.

[*Recorded by X*——]

Executive Department
Iowa Territory
Burlington October 11th 1838—

Sir,

Your letter of the 5th of September last, requesting me to transmit to the Tereasury Department the usual estimates for the expences of the Legislative Assembly for the year 1839, was received by last nights mail. By the post

marke on the letter it appears to have been sent to Madison Wisconsin Territory. The seat of government of Iowa Territory is for the present at Burlington, to which place I wish all communications intended for the Executive of the Territory of Iowa to be directed. From some cause (unknown to me) there is an extraordinary delay in the conveyances of letters from the east to this Territory. We frequently receive newspapers before letters mailed at the same office at the same time, and in one instance we rec^{d} a volum[e] of statute Laws two weeks before we received the letters that was mailed at the same time and place and was doubtless intended to accompany them. This delay in the transmission of letters I presume must be owing to a mis direction given to them at some of the distributing post offices.

The most direct rout[e] from Washington to this place would be by Columbus Ohio—Terre Haut in Indiana and Peoria in Illinois But letters that come by the way of St. Louis are frequently received sooner than they are by any other rout[e].

As soon as I can procure the necessary information to enable me to make out a correct estimate of the expences of the Legislative Assembly for 1839, it shall be forwarded.

The first Legislative Assembly for this Territory will commence in this place on the 2^{d} Monday of November next.

With sincere respect
I am, Your Ob^{t} Ser^{t}
Robert Lucas

Tho^{s} S. Smith Esq^{r}
Register Treasury U. S.
Washington City.

[*Recorded by X*_____]

To all to whom these presents may come Greeting.

I, Robert Lucas, *Governor of the Territory of Iowa*, Do hereby certify, that William W. Chapman, was duly elected, a delegate to the House of Representatives of the United States, (as provided for by the 14th section of the act of Congress, approved June 12th 1838 entitled "an act to divide the Territory of Wisconsin, and to establish the Territorial government of Iowa") at an election held in the several counties in said Territory on the 10th day of September 1838—pursuent to an executive Proclamation for that purpose: The said William W. Chapman having received the greatest number of votes, of any person voted for at said election, as appears by the official abstracts of votes transmitted by the proper officers of this Department.

In testimony whereof, I, have hereunto subscribed my name and affixed the seal of the Territory to these presents. (private seal as the public seal for the Territory has not yet been procured)

{ SEAL }

Done at the city of Burlington, in the Territory of Iowa, this eighteenth day of October, in the year of our Lord One thousand eight hundred & thirty eight, and of the Independence of the United States the sixty third.

(signed) Robert Lucas—

[*Recorded by X*_____]

Executive Department
Burlington Iowa Territory—
Oct. 19. 1838

Gentlemen,

Your official communication of the 3^{d} Inst. informing me, that you had two hundred dollars, in the county Treasury of Cedar county, and requesting me to appoint commissioners, to fix the county seat of said county, under the provisions of the act of the Legislature of Wisconsin, passed June 22^{d} 1838—entitled "an act to locate the seat of Justice of Cedar county"—was handed to me, a few days since by Mr. Warfield.

When your communication was handed to me, I had never seen the law refer[r]ed to in your communication, neither could it be had in this place. I this day received a copy of the act, which was transmitted to me by Mr. Warfield from Fort Madison. On examining the act, I find it had expired, as the 3^{d} section of the act declaired that "the commissioners should, on the first Monday of September next (after the passage of the law) meet in the Town of Rochester in Cedar County and proceede forthwith to examin[e] and locate a suitable place for the seat of Justice for said county" &c

There is no provision in the law for the Commissioners to meet at any other time than the first monday of September, and as that time is past, the law is of course inoperative, and any commissioners that might now be appointed

under it, would have no authority to act, or if they did their acts would not be valid.

I am well aware, of the anxiety that you must feel to have your county seat established, and regret, that the law has become inoperative.—but the difficulty can be remedied by our Legislature which will meet on the 2^{d} Monday of next month.

Any thing that I can legally do to promote the prosperity of any part of the Territory, you may rest assured, will be promptly attended to.

With sincer[e] respects
I am, Your Ob^{t} Ser^{t}
ROBERT LUCAS

Messers R. RUNSFORD and
JONAS M. OAKS.
Com^{rs} of Cedar co.
Iowa Territory.

[*Recorded by X*_____]

PROCLAMATION.

To all to whom these Presents may come—GREETING:

KNOW YE: That I, ROBERT LUCAS, governor of the Territory of Iowa, by virtue of the power and authority vested in me by the Act of Congress, passed the 12th day of June 1838, entitled "An act to divide the Territory of Wisconsin, and to establish the Territorial government of Iowa," did declare by Proclamation, the number of members of the

Council and House of Representatives, to which each county and district in said Territory were entitled under the provisions of the said act of Congress; and did cause elections to be held in the several counties and districts in the said Territory, on the 10th day of September last past, for members to the Council and House of Representatives, in the Legislative Assembly, as well as a Delegate, to represent this Territory in the House of Representatives of the United States, as provided for in the 14th section of said act of Congress:—*Do hereby declare* and *make known*, that the following named gentlemen, were severally elected to the different offic[e]s hereinafter specifically designated, as appears by the returns of the elections officially transmitted to this Department, by the proper returning officers, to wit;

William W. Chapman, Delegate from the Territory to the House of Representatives of the United States.

Members of the council.

Jesse B. Brown, from the county of Lee.

E. A. M. Swazy and Isham Keith, from the county of Van Buren.

Lawson B. Hugh[e]s and Jesse D. Payne, from the county of Henry.

Arthur Inghram, Robert Rolston, and George Hapner,[1] from the county of Des Moines.

James M. Clark, from the counties of Muscatine, Louisa and Slaughter.[2]

[1] Evidently intended for Hepner instead of Hapner.—Editor.

[2] Later named Washington.—Editor.

Charles Whittlesey, from the counties of Johnson Cedar, Jones and Linn.

Jonathan W. Parker, from the counties of Scott and Clinton.

Warner Lewis and Stephen Hem[p]stead, from the counties of Jackson, DuBuque and Clayton.

Members of the House of Representatives.

William Patterson, Hawkins Taylor, Calvin I. Price and James Brierly, from the county of Lee.

James Hall, Gideon S. Bail[e]y and Samuel Parker, from the county of Van Buren.—

William G. Coop, William H. Wallace and A. B. Porter, from the county of Henry.

James W. Grimes, George Temple Van. B Delashmutt, Thomas Blair and Cyrus S. Jacobs, from the county of Des Moines.

John Frierson, William L. Toole, Levi Thornton and S. C. Hastings, from the counties of Muscatine, Louisa and Slaughter.[1]

Robert G. Roberts, from the counties of Cedar, Jones, Linn and Johnson.

Laurel Summers and Samuel R. Murry, from the counties of Scott and Clinton.

Chauncey Swan, Andrew Bankson, Thos Cox and Hardin Nowlin, from the counties of Jackson Du Buque and Clayton.

And I do, by virtue of the further power and authority vested in me, by the act of Congress aforesaid, declare and

[1] Later named Washington.—Editor.

make known, that I have appointed the SECOND MONDAY of NOVEMBER NEXT, as the time, and the *City* of *Burlington as the place*, for the first meeting of the Legislative Assembly, and do hereby request the members elected to the Council and House of Representatives as aforesaid, to assemble at the City of Burlington in the county of Des Moines, on the second Monday of November next, for the purpose of organizing the first session, of the Legislative Assembly of the Territory of Iowa, under the act of Congress of the 12th of June 1838, as aforesaid.

In testimony whereof, I have hereunto set my name, and caused the seal of the Territory to be hereunto affixed.

Done at the city of Burlington, in the Territory of Iowa, this eighteenth day of October, in the year of our Lord, one thousand eight hundred and thirty-eight, and of the Independence of the United States the sixty third.

ROBERT LUCAS.

[*Recorded by X*_____]

Executive Department Iowa Ter.
Burlington Oct. 31st 1838

Sir,

I received by last mail you[r] communication of the 10th of August, which by the post mark appears to have been mailed on the 24th of September, together with three pack-

ages Fourth series of the documentary History published by St. Clair Clark & Force.

Very Respy Yours &c

Robert Lucas

Asbery Dickenson Esqr Secty U. S.

[*Recorded by X*_____]

Proclamation.

Executive Department Iowa Territory.

To the sheriff of Des Moines county. Greeting:—

Whereas, the Clerk of the board of county Commissioners, of the county of Des Moines aforesaid, did this day officially notify me, that there was a vacancy in the office of Representative from the county of Des Moines, in the Legislative Assembly of the Territory aforesaid, caused by the death of Cyras S. Jacobs Esquire. You are therefore, hereby commanded to notify the several Judges of elections, in the county of Des Moines, in the Territory aforesaid, to hold a special election, to fill said vacancy, on Saturday the seventeenth day of the present month, (November)—under the provisions of the "Act, to provide for, and regulating general elections," &c passed January 18. 1838—

In testimony whereof, I, Robert Lucas, governor of the Territory of Iowa, have hereunto set my name, and caused the seal of the Territory to be hereunto affixed. This the 2d

day of November in the year of our Lord one thousand eight hundred & thirty eight, and of the Independence of the United States the sixty third.—

ROBERT LUCAS Gov.
of Iowa Territory.

[*Recorded by X*_____]

Executive Department
Iowa Territory Nov. 12. 1838—

Sir,

I hereby acknowledge the receipt of "Thirty six copies of the acts of the second Session of the Twenty fifth Congress, due to the Territory of Iowa."

Respectfully
Your Obt Sert
ROBERT LUCAS

Hon. JON. FORSYTH Esqr.
Secty of State of the United States

[*Recorded by X*_____]

MESSAGE

Gentlemen of the Council and[1] *House of Representatives of the Legislative Assembly:—*

Through the intervention of Divine Providence, we have

[1] The words "Council and" were evidently inserted later and appear to have been written by Governor Lucas.—EDITOR.

Executive Department
Iowa Territory Nov. 12. 1838

Sir,

I hereby acknowledge the receipt of "Thirty six copies of the acts of the second Session of the ~~Territory~~ Twenty fifth Congress, due to the Territory of Iowa".

Respectfully
Your Obt. Serv.
Robert Lucas

Hon. Jno. Forsyth Esqr.
Secty. of State of the United States

been permitted to convene at this time, for the purpose of organizing the first Legislative Assembly, under the provisions of an act of Congress, passed the 12th day of June, A. D. 1838, entitled "An Act to divide the Territory of Wisconsin and to establish the Territorial government of Iowa."—

This act must be viewed by us, as the constitutional charter of the Territory; it prescribes our powers, defines our duties, directs our actions and points out our rights and privileges. It declares that the Legislative power shall be vested in the governor and a Legislative Assembly, and shall extend to all rightful subjects of legislation. This declaration brings within the power of the Legislature all subjects that relate to the organization of the local Government of the Territory, (that does not contravene the act of Congress, or the constitution of the United States;) all subjects that relate to the protection and preservation of the lives, liberties, property, and reputation of the people of the Territory; the punishment of crimes, misdemeniors, and immoral practices, and such other subjects as tend to the advancement of the public good, the general improvement of the country, and the promotion of the peace, happiness, and prosperity of the people.

This important trus[t] has been reposed in us by our country, and we have taken the most solemn obligations faithfully and impartially to perform the same.—

When we consider that the eyes of the people of the United States are upon us—that they have an interest in this Territory and feel an anxious solicitude for its pros-

perity, (which must be either advanced or retarded by our acts,) and view the immence importance of laying a good foundation of jurisprudence, and preparing a system of laws wisely adapted to our situation and interest, and reflect that the conveinence, prosperity and happiness of the people are intimately connected with the local organization of the Territory in all its various ramifications, we are impressed with a sence of the weight of responsibility imposed upon us, and are lead to ask aid from that Providence who has hitherto sustained us; whom we view as the Governor of the Universe, the author of all good, and the fountain of every blessing, and sincerely implore his protecting care over us, and pray that he may inspire us, as well as all those who may suceede us in authority, with wisdom to perceive, judgment to determine, and energy to execute such measures as will advance to the greatest degree of prosperity, the physical, political, intellectual, and moral condition of this pleasant land and interesting Territory.

Gentlemen,—having called you together at this time for the purpose of aiding by your deliberation, in purfecting the local organization of the Government of the Territory, it becomes my duty to present to your deliberation such subjects as are deemed most essential to the accomplishment of that object, and to recommend such a course of proceedings as are deemed most advisable under existing circumstances.

The laws of Wisconsin are declared to be in force in this Territory, so far[1] as they are not incompatable with the

[1] This word was inserted later (probably by Governor Lucas).—EDITOR.

organic law. But when we consider their incompatibility in ma[n]y respects with that law, and the confusion into which they are thrown by being blended with the laws of Michigan, which are incompatable and conflicting, in many points, we are satisfied that our Territory can derive no benefit from them, and that our most advisible course of action will be, to proceed to organize the local government of the Territory in conformity to the organic law, and to adapt all our laws to suit the situation and interests of the Territory, without reference to the laws of either Wisconsin or Michigan.

Under this impression, I will call your attention in an especial manner to various subjects, deemed indispensible to the local organization of the Government under the organic law.

The subject of providing by law for the organization of Townships, the election of township officers, and defining their powers and duties, I consider to be of the first [importance][1] and almost indispensible in the local organization of the Government. Without proper township regulations it will be extreamly difficult, if not impracticable to establish a regular school system. In most of the states where a common school system has been established by law, the trustees of townships are important agents in executing the provisions of the laws. To them are entrusted the care and superintendence of the school lands of their respective townships, the division of township into school districts, and various other duties relating to building school houses,

[1] This word inserted later in pencil (probably by Governor Lucas).—Editor.

the organization of school districts, and the support of schools in their respective townships.

The 12th section of the act of Congress, establishing our Territory, declares, "That the citizens of Iowa shall enjoy all the rights, privileges, and immunities _____ heretofore granted and secured to the Territory of Wisconsin and its inhabitants." This extends to us all the rights, privileges, and immunities specified in the ordinance of Congress of the 13th of July, 1787.

The third article of this ordinance declares, "That religion, morality, and *knowledge* being necessary to good government and the happiness of mankind, *schools* and the means of education shall forever [be][1] encouraged." Congress, to carry out this declaration, have granted one section of land in each township to the inhabitants of such township for the purpose of schools therein.

There is no subject to which I wish to call your attention more emphatically than the subject of establishing, at the commencement of our political existence, a well digested system of common schools; and as a preparatory step towards effecting that important object, as well as the consideration of numerious other advantages that must flow from the measure. I urge upon your consideration the necessity of providing by law for the organization of Townships.

The seventh section of the act of Congress organizing our territory declares, that all country officers, except judicial officers, justices of the peace, sheriffs and clerks of courts, shall be elected by the people; and in the 16th section

[1] This word inserted later in pencil (probably by Governor Lucas).—Editor.

it is declared, that all justices of the peace, constables, sheriffs and *all other executive judicial officers* who were in office on the 3^{d} of July last, should be authorized and required to continue to exercise and perform the duties of their respective offices as officers of the Territory of Iowa, temporarily, and until they or others should be duly appointed to fill their places in the Territorial government of Iowa; with a proviso, that no officers should hold or continue in office by virtue of that provision over twelve months from the said 3^{d} of July.

By the foregoing provision of the 7th section it will be perceived, that all officers that pertake of the character of county officers, except judicial officers, justices of the peace, sheriffs and clerks of the courts, are to be elected by the people. The proviso in the 16th section declares that officers should hold their offices temporarily, after enumerating justices of the peace, constables, and sheriffs, uses the general term *all other executive judicial officers.* From an examination of the sections above stated, it will be perceived that there are do[u]bts as to the right of certain officers to act under former appointments, after the 3rd of July. To remove these doubts and to secure the election of other officers by the people, that have heretofore been appointed by the Executive and Council. I would recommend a revision of all laws that relate to the organization of counties, and the appointment of county officers, so as to comply strictly with the organic law of Congress. I would also recommend a revisions of all laws that relate to the power and duties of executors, administrators and guardians, as well as the laws

relating to the levying and collecting of county and territorial taxes.

The nineth section of the organic law declares that—"the judicial power of the Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace; and that the jurisdiction of these several courts, both appellate and original, and those of the probate courts and the justices of the peace shall be, as limited by law," with a prohibitory provision excluding from the jurisdiction of justices of the peace controverseries where the title of boundary of land may be in dispute, or where the debt or sum claimed exceeds fifty dollars.

This is the most important subject that will be presented to your consideration, and will require much deliberation, in arranging the different courts and assigning to each their appropriate powers and duties. Justices courts are the first in order, and in them the people are more generally interested than in the higher courts. Justices of the peace by virtue of their office are conservators of the peace, arbiters in matters of controversy to the amount of fifty dollars, and are the collecting officers of this amount; they are the legitimate guardians of the public peace and the rights of individuals. It will therefore become an important duty (and one that will require much deliberation in its performance) to arrange the details of an act, defining specifically the powers, and regulating the duties of justices of the peace and constables, in civil as well as criminal causes. The importance of this subject will demand your early attention and deliberate consideration. The duties of probate courts,

tho. less complicated, are of greate interest to the community and will also require much care and attention in arranging the provisions of an act, prescribing the powers and defining the duties of these courts. A revision of former laws on this subject is deemed indispensible in arranging systematically the judicial organization of the Territory.

[The subject of organizing the judicial courts of the Territory, prescribing the powers, defining their duties and regulating their practice, is one of the greatest magnitude. It embraces an entire system of jurisprudence, and in its various ramifications extends its influence to every department of government and class of community.][1]

The subject of organizing the judicial courts of the Territory, prescribing their powers, defining, their duties and regulating their practice, is one of the greatest magnitude. It embraces an entire system of jurisprudence, and in its various ramifications extends its influence to ev[e]ry department of government and class of community.

In laying the foundation of a system of jurisprudence in the Territory, would it not be advisable to unite our exertions in simplifying, not only our laws, but the rules of practice and proceedings in the various courts of Justice within the Territory, and to exclude therefrom as much as practicable, ev[e]rything of a fictious or ambiguous character? In my opinion the proceedings of our courts of justice should be concise, void of technical fiction, and always

[1] This paragraph is crossed out by lead pencil in the manuscript, being followed by a literal repetition.—Editor.

directed to the merits of the cause in controversy. The establishment of such a rule of practice at the commencement of our Territorial Government I am satisfied would be attended with the most beneficial effects. I therefore most earnestly submit these suggestions to the consideration of the Legislative Assembly.

In arranging our judicial system, it will become necessary to revise the laws regulating the duties and defining the powers of sheriffs, constables and other ministerial officers; also, the laws regulating judgments and executions; but in the consideration of these laws, I trust that the odious principal of imprisonment for debt, either on mesne or final process, (except in cases of evident intended fraud) will not be permitted to enter into your deliberations, and that that relic of the barbarous ages that has been permitted to remain as a blot on the laws of some of the states, will never be permitted to soil the pages of the statutes of Iowa.

I would also recommend to your consideration [the][1] propriety of adopting a general road system; defining the manner of laying out and establishing Territorial and county roads, and to provide for opening and keeping them in repair; and also, the revision of the laws regulating elections, so [as][2] to conform in all respects to the act of Congress organizing the Territory.

The compilation of a Criminal Code, so as to graduate properly the various crimes and offences, and to apply suit-

[1] The word "the" was later substituted for the word "of" in the original manuscript.—EDITOR.

[2] This word inserted later in pencil (probably by Governor Lucas).—EDITOR.

able punishment to each, in proportion to their enormity, is a subject of deep interest to the community. It is one, which of late has occupied the attention of some of the greatest statesmen and philanthropists of the age; and the general conclusion has been, that sanguinary punishments do not tend to lessen crime, and that the general policy of crimi[n]al laws should be to prevent crimes rather than to inflict punishment, and that all punishments should be inflicted with a view to reform, rather than exterminate the criminal. In these conclusions I heartily concur, and would wish to see confinement at hard labor for life, substituted in all cases, in lieu of capital punishment, when suitable prisons for the purpose can be had; but in our present situation, we will necessarily be compelled to adopt more sanguinary punishments than would be advisable had we a suitable Penitentiary in the Territory. But, being sensible of the deleterious effects of public executions, I would recommend to your consideration, the propriety of providing by law, for executing capital punishment (should such punishments be necessary,) privately in the county prison, in the presents of the sheriff, and such other persons as the Court passing sentence might direct.

In preparing a system of criminal jurisprudence, the whole catalogue of vices, from the highest crime to petty misdemeanors pass in review, that appropriate punishment may be attached to each offence, in proportion to its injurious effects upon society—and we frequently [see][1] the most disastrous consequences proceed from practices that in

[1] This word inserted later in pencil (probably by Governor Lucas).—Editor.

some places, are considered only as fashionable vices—namely; *gambling* and *intemperance.*

These two vices may be considered the fountains from which almost every other crime proceeds, as the statistical reports of many of the Penitentiaries conclusively show. They have produced more murders, robberies, and individual distress, than all other crimes put together; this is evident, when we consider the many thousands that annually destroy themselves, and bring their families to beggery and wretchedness, by pursuing these vices; for surely, there can be no murder of a deeper moral dye than self murder; and no robbery of a more heinous character, than the robbery of our own families. Could you in your wisdom devise ways and means to check the progress of gambling and intemperance in this Territory, you will perform an act that would immortalize your names and entitle you to the gratitude of posterity.

The recent transaction in this city, that deprived the Legislative Assembly of one of its members elect,[1] as well as all other transactions of a similar character, should meet with the indignant frown of every friend of morality and good order in community; and the practice of wearing concealed about the person, dirks, pistols, and other deadly weapons, should not only be considered disreputable, but criminal, and punished accordingly.—There certainly can not be a justifiable excuse offered for such a practice; for in a civil community, a brave man never anticipates danger, and an honest man will always look to the laws for protection.

[1] This probably refers to the shooting of Cyrus S. Jacobs.—Editor.

It has been frequently said "That to be prepared for war, is the most effectual way to secure peace." This declaration may be emphatically applied to our present situation.

The numerous hords of war like Indians occupying our northern and western boundaries and the restless disposition manifested by some of them, should admonish us to be prepared to defend the Territory against attacks from any quarter, under any circumstances and on all emergencies.

Should the Indians be disposed to hostilities, ou[r] frontier from St. Peters to Missouri, would be exposed, and from the position of the United States troops we need expect but little or no assistance from them; thus situated, it becomes our duty to prepare to defend ourselves against any possible attack from our Indian neighbors.

This preparation can only be effected by efficiently organizing and disciplining the Militia of the Territory. I am fully satisfied that were the Militia of the Territory properly organized, equip[p]ed and disciplined, that we could defend ourselves against any Indian force that could be brought against us. I therefore call the attention of the Legislative Assembly in an especial manner to this subject, and request that they may pass a law giving to the Militia of the Territory a perfect organization, so as to render them a prompt and efficient defence.

In arranging the details of a Militia law, it should be explicit—1st, in its organization, 2d in the distribution of its powers and duties to the officers and privates—3d, the fines and peanilties imposed, and the punishments to be inflicted for neglect of duty; vesting in the different grades of officers

certain discretionary powers, and holding them strictly accountable for an abuse of them.

I would recommend that the Territory at first, be divided into three divisions, six brigades and twelve regiments—and that you provide by law, for raising and organizing one company of Artillery in each division, and one company of Rangers to each Regiment to be mounted and armed with rifles, rifle pistols, and short swords. These Rangers would be most efficient against an Indian force, were they armed with Hall's carbin[e]s, a brace of rifle pistols with holesters and cartridge boxes, containing cartridges, suited to the bore of the pistols; and when dismounted to have the pistols in a belt, and a short sword. This sword to be most formidable in Indian fighting should be a short blade about 18 inches in length, strong and double edged, to be used as occasion might require, either to cut away the brush, vines or other obstacles in pursuing the Indians into their hammocs of [or] places of retreat, or as a weapon of defence in close combat with an enemy.

I am satisfied that troops thus organized, equip[p]ed *and disciplined, expressly for Indian* fighting, WITH STRICT DIRECTIONS NEVER TO THROW AWAY A FIRE, *nor to halt in the pursuit*, first using their *rifles*, then their *pistols*, and as the last resort their *swords*, would be more than a match for an equal number of the most efficient Indian warriors, that ever assembled upon our frontier.

In view of our present situation I would recommend to your consideration the propriety of memorializing Congress, to provide us with three six pound brass pieces of cannon,

with carr[i]ages and equipments comple[te] and one thousand Hall's Carbines, with two thousand rifle pistols with holsters cartridge boxes complete, and one thousand short swords, with scabbards and belts; and that government would establish a *Depot* of arms and ammunition, at some suitable place within the Territory.

It becomes our duty to provide by law for dividing the Territory into three judicial districts, to assign to each judge his appropriate district, and to define the time and place of holding district courts in each of the respective counties within the Territory.

When we take into consideration the local excitements that frequently arise in neighborhoods, on the subject of division of counties, the alteration of county lines, and the location of county seats, I am satisfied that much benefit would result to the community, were the whole of the surveyed part of the Territory layed out into counties of a uniform size, and so bounded as to preclude any subsequent sub-division, or alteration of the boundaries; and the seats of justice established in each (where such seats of justice have not already been established by law) by disinterested commissioners to be appointed for the purpose.

A general law on this subject well arranged in its details, could not fail in a greate measure, to prevent those local excitements that too frequently disturb the harmony of neighborhoods, and retard the general improvement and prosperity of the country. I therefore solicite your attention to this subject, and hope that a general law may be passed the present session in accordance with the foregoing suggestions.

It also becomes our duty to provide by law for taking cencus of the Territory at certain periods, and to apportion the members of the Council and House of Representatives among the several counties and districts, in proportion to the population, as well as to fix by law, the time of the regular annual meeting of the Legislative Assembly. This subject will require your early attention.

The 13th section of the organic law or constitutional charter of the Territory, declares—"That the Legislative Assembly of the Territory shall hold its first session at each time and place in the Territory, as the Governor shall appoint and direct, and at said session, or [as] soon thereafter as may by them be deemed expedient, the said Governor and Legislative Assembly shall proceede to establish the seat of Government for said Territory, at such place as they may deem eligible; which place however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly."

And the sum of twenty thousand dollars is granted to be applied by the Governor and Legislative Assembly, to defray the expences of erecting public buildings at the seat of Government.

It is a question purely of public concern. The United States are the proprietors *in fee* of all the land in the Territory, to which the Indian title has been extinguished. Every part of the Territory is equally susceptible of a dence population; and in granting the appropriat[ion] to be applied in erecting public buildings at the seat of Government, Congress had reason to expect the expenditure to be

made at a point, that would advance to the greatest degree, both the present and future prosperity of the Territory.

I am convinced that there is no way in which we can discharge the duty imposed upon us by this section, so satisfactorily to the community at large, or, to promote the general interest of the Territory so well, as to provide by law for the appointment of three disinterested men, of known integrity and weight of character, and to vest them with authority to take the subject into consideration, and to fix upon a place for the seat of Government of the Territory; and their report being returned to the Secretary of the Territory, that such report shall be considered conclusive, and the public buildings erected at the place provided for in such report.

I am clearly of opinion that the foregoing is the only method by which the seat of Government of the Territory can be satisfactorily established. By this method, the interest of every part of the Territory will be consulted, and strict justice administered to the whole; and with this impression, I urge it upon your consideration, and solicit a calm and impartial investigation of the same.

Gentlemen, the foregoing suggestions embrace such acts as are deemed indispensible to the organization of the Territory. There are doubtless many other subjects of a more local character, that will present themselves to your consideration.

The compilation and enactment of a complete Code of laws, particularly adapted to our situation and interest, would require more time and deliberation, than is alloted to

the Legislative Assembly during its session. And, indeed, experience has taught us, that it is impracticable to digest, report, and enact a complete code of laws during the session of a Legislative body.

I would therefore suggest for your consideration, as a subject of the greatest importance to the future prosperity of the Territory, the appointment of a committee not to exceed three persons, of known legal experience and weight of character, to digest and prepare a complete code of laws during the recess of the Legislature, and to report them for consideration and enactment at the ensuing session. By pursuing this method, in the course of two years we will be released from the ambiguity of existing laws, and our system of jurisprudence will be established upon a firm foundation, peculiar[l]y adapted to the situation, interest, habits, and wants of our citizens.

When we consider the general liberality of the parent government heretofore manifested towards her minor children, we may reasonably anticipate that the same liberality will be extended to her youngest daughter Iowa. I therefore suggest the expedi[e]ncy of respectfully memmor[i]al[i]zing Congress to grant to the Territory an appropriation sufficient to erect a Penitentiary in the Territory, for the confinement of convicts that may [be] sentenced for a voilation of the peanal laws of the Territory, as well as those who may be convicted for a voilation of the laws of the United States. Also, respectfully to ask an appropriation of land for literary purposes, equal to the grant made last session to the Territory of Wisconsin.

An appropriation of five thousand dollars was made by Congress to be expended, under the direction of the Governor, in the purchase of a library for the Territory. Previous to leaving Ohio in July last (with the assistance of several literary friends,) I made out a catalogue of such standard works as are deemed most important as the foundation of a public library, and put the catalogue into the hands of an agent in Cincinnati to make the purchases for me. Those books that could be procured in the western country, have been purchased and have been at Cincinnati for some time, waiting to be forwarded the first rise of water in the Ohio River. By advices from Cincinnati I learn that the agent has been for some time in the eastern cities, where he will complete the purchases to the extent of the appropriation. As soon as the Ohio River is navigable, we may expect the arrival of those books that have been purchased, and the remainder of the library as soon thereafter as practicable.

When engaged in purchasing maps for the Territory in Cincinnati, in July last, Dr. O. Fairchild, of said city, presented me with a valuable set of maps, which is now in my possession, and which I present as a present from him to the library of the Territory.

As the library is expected in a short time, I would suggust the propriety of passing a law to provide for appointment of a librarian, to define his duties, and regulate the library. As soon as the library arrives a catalogue of the books shall be immediately laid before you.

On the 1st of September last Dr. James Davis was ap-

pointed a commissioner under the provisions of an act of Congress passed the 18th of June 1838, entitled "an act to authorize the president of the United States to cause the southern boundary line of the Territory of Iowa, to be ascertained and marked,"—who proceeded soon after his appointment in conjunction with A. M. Lea Esqr the Commissioner on the part of the United States, to the discharge of the duty assigned them,—but has not yet reported their progress to this Department. Should a report be received during the session of the Legislative Assembly it shall be immediately communicated to you. The Governor of Missouri did not consider himself authorized to appoint a Commissioner under the late act of Congress until after the meeting of the Legislature of that state.

The appropriation made by Congress for the support of the government of the Territory of Iowa for the year 1838, is $24,675.—This includes the salaries of the Governor, Secretary, Chief Judge, Associate Judges, District Attorney and Marshal the pay and mil[e]age of the members of the Legislative Assembly of the Territory and the expences thereof; printing the laws, taking the cencus, and other incidental and contingent expences of the Assembly and Territory—(see late laws of the U. S. page 112)

The salaries of the officers of the Territory as fixed by law, and the contingent fund of the Governor, amount to 8,950—dollars—which leaves a balance of 15,725 Dollars to defray the expences of the Legislative Assembly—printing, stationery, fuel, house rent and all other incidental expenses of the Territory.

In disbursing the appropriation, we should avoid parsimony in its application to defray necessary expences; but at the same time should use *strict economy*, and be careful in our expenditur[e]s never to exceede the appropriation made by Congress.—

Gentlemen of the Council, the act of Congress establishing the Territorial government of Iowa vests in the Executive and Council the power of appointing all judicial officers —Justices of the peace, sheriffs and Mililitia officers (except those of the staff) and other civil officers that are not elective by the people. The Executive is vested with the nominating power. The power of appointing to office is one of the most delicate and responsible character; and as the concurrence of the Executive and Council are required to give validity to appointments under the Territorial authority, I deem it my duty to state to you distinctly in the commencement of our political organization the principles by which I shall be governed in nominating individuals for the various office[s] in the Territory.

I shall at all times pay a due respect to recommendations; but cannot conscientiously nominate to office any individual of *bad moral character*, or, that may be a[d]dicted to *intemperance or gambling*, if known to me.— These vices are so contaminating in their character, that all public officers in my opinion should be clear of even a suspicion of being addicted to them.

Gentlemen of the Legislative Assembly, the charter of our Territorial government declares that the Legislative power shall be vested in the Governor and Legislative Assembly.

—The Executive is vested with advisory and restraining and the Legislative Assembly with deliberative and enacting powers. The concur[r]ence of both the Executive and Legislative departments become[s] necessary under our organization to give validity to Legislative enactment.

This being the case, I have in discharge of a conscientious duty promptly recommended to your consideration such measure[s] as I deemed to be most expedient and think it proper to state to you at the commencement of our Legislative proceedings, that I shall at all times take pleasure in concur[r]ing with you in acts that tend to advance the general interest of the Territory, and the prosperity of the people:—but at the same time will be compelled to withhold my assent to such acts, or proceedings, as I may conscientiously for the time being believe to be prejudicial to the public good.

That the spirit of wisdom and harmony may control all our deliberations and direct our efforts to the promotion of the general prosperity of the Territory—the establishment of good order, and the security of the peace, prosperity, and happiness of the people—is the sincere prayer of your fellow citizen and obedient servent.

Robert Lucas

Iowa Territory

Burlington, Nov. 12. 1838.

[*Recorded by X*_____]

Oath administered to the members of the Legislative Assembly by the Governor in person, on the 12th day of November 1838, at the first organization of said Assembly.

You and each of you do solemnly swear upon the Holy Evangelist of Almighty God (some made affirmation with an uplifted hand in presence of Almighty God the searcher of hearts.)—that you will support the constitution of the United States—the Act of Congress to divide the Territory of Wisconsin and to establish the Territorial Government of Iowa—and that you will faithfully impartially, and to the best of your judgment and ability discharge the duties of a member of the council (to the council—the same to the members of the House of Representatives) *so help your God*—(to those who swore on the Book) *as you shall answer to God in the Greate day*—(to those who affirmed with an uplifted hand.)

(Copy) Robert Lucas

[*Recorded by X*_____]

Executive Department

Burlington Iowa Ter^{y} Nov^{r} 16. 1838

To the Hon. the President of the Council of the Legislative Assembly of Iowa.

Sir,

I this day received from the Secretary of the Council communication containing the following resolution—

"Resolved—That his Excellency Governor Lucas be requested to lay before the Council any information or instructions which he may have received from the general Government, concerning public expenditures, so far as they relate to defraying the Expences of the Legislature of Iowa".—

In compliance with the foregoing request I will state that in the 11th section of the organic law of the Territory it is declared that—"the members of the Legislative Assembly shall be entitled to receive three dollars each per day, during their attendance at the session thereof; and three dollars for ev[e]ry twenty miles travel, in going to, and returning from the said sessions, estimated according to the nearest usually travelled rout[e]"—and that "there shall also be appropriated annually a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expences of the Legislative Assembly, the printing of the laws and other incidental expences; and the Secretary of the Territory is required annually to account to the Secretary of the Treasury of the U. S. for the manner in which the sum appropriated shall have been expended.

In compliance with the foregoing provision in the organic law, and no doubt upon the estimate furnished by the Secretary of the Treasury of the U. S. as required therein; Congress passed an act on the 7th day of July 1838—to provide for the support of the Military Academy of the U. S. for the year 1838 and for other purposes—and inserted in the 5th section of this act a clause in the following words.

For salaries of the Governor, Sect^{y}, Chief Judge, Associate Justices, District Attorney, and Marshall, and pay and mil[e]age of the members of the Legislative Assembly of Iowa Territory—and the expences thereof, printing of the laws, taking the census, and other incidental and contingent expences of said Assembly and Territory, Twenty four thousand six hundred and seventy five dollars."

This appropriation expresses the object for which it was made, and is the only appropriation to which we can look for funds to defray the expences of the Legislative Assembly as expressed therein for the year 1838—You will find this subject referred to in my communication of the 12th Inst.

On the 10th of october last I received a letter from the Register of the Treasury of the U. S. requesting that an estimate for expenses of the Legislative Assembly for the year 1839—might be prepared and transmitted to the Department.

A copy of his letter together with my answer thereto is annexed—and it as follows.

(Copy) Treasury Department
Registers Office Sep^{t} 5, 1838

Sir,

I have the honor to requ[e]st; that the usual estimate for expences of Legislative Assembly for the year 1839 may be prepaired and transmitted to this office, as early as convenient, for the purpose of being laid (by the Secretary

of the Treasury) before the Legislature of the United States at its ensuing session

I have the honor to be
Sir Your most Ob[t] Ser[t]
T. L. Smith
Register

Governor of Iowa Territory

For answer to the above letter see page —[1]

I have withheld the estimates required by the Treasu[r]y Department of the U. S., and shall continue to do so until I can obtain information to enable me to transmit a satisfactory one, and to show therein *the special services and purposes for which appropriations are asked.*

This information cannot be obtained until the action of the present Legislative Assembly is known. Should they agree to authorize the appointment of a committee to prepare during the recess a complete code of laws for the Territory to be reported to the next Session an item would be included in the estimate to defray the expences of the Committee and the item for printing enlarged to meet the expences of printing an entire Code of laws as well as the necessary increased expences of the Legislative Assembly estimating the session to extend to the limits of the Organic law.

But should the Legislative Assembly decline to authorize the appointment of a committe to compile the laws during the recess; the estimates that I shall consider it my duty to

[1] The answer referred to follows in the text.—Editor.

transmit to the Treasury Department of the United States will only include the usual necessary expences of an ordinary session of the Legislative Assembly.

Very Respectfully Your
Ob^{t} Ser^{t}
Robert Lucas

[*Recorded by X*_____]

Executive Office Iowa Territy
December 6. 1838—

William B. Conway, Secretary of I. Ter.

Sir,

I acknowledge the receipt of your communication of this date, together with a joint resolution of the Council and House of Representatives of the Territory of Iowa, making an allowance for clerks, doorkeepers, messengers, firemen &c. and directing the pay of such allowance by the Secretary on the certificate of the presiding officers of the House, attested by the secretary or chief clerk. Also, a certificate of the Speaker of the House of Representatives, attested by the chief clerk, certifying that Sam. W. Summers is entitled to three dollars per day for his services as sargeant-at-arms, from the 12th of November of the 5th of December inclusive, and requesting my opinion whether said certificate can be legally regarded as a sufficient voucher in settling your accounts with the Treasury of the United States.

In complying with your request it becomes necessary to take a view of the nature of our government, the power

vested in it, and the sources from whence this power is derived. The 2nd clause of the 3d section of the 4th article of the constitution of the United States, vests in Congress the power to make all needful rules and regulations respecting the Territory and other property belonging to the United States.

Under this clause of the constitution Congress passed the act of the 12th of June, organizing the territorial government of Iowa, and vested in the territorial government certain powers, by which, in connection with the constitution of the United States we must be controlled in all our official acts. This act declares that the Legislative power of the Territory "shall be vested in the Governor and Legislative Assembly;" in the 2d section it declares that the Governor shall approve of all laws passed by the Legislature before they shall take effect; and in every case, when the acts of the Legislature are spoken of, they are mentioned as the acts of the Governor and Legislative Assembly, and in no place is there any power vested in the Legislative Assembly independent of the Governor.

The 11th section of the organic law declares that there shall be appropriated annually a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the secretary of the [Treasury of the][1] United States to defray the expenses of the Legislative Assembly, the printing of the laws and other incidental expenses; and declares that the Secretary of the Territory shall annually account to the Secretary of the [Treasury of the][1] United

[1] These words were inserted later (probably by Governor Lucas).—Editor.

States for the *manner* in which the aforesaid sum shall have been expended.

You are by this clause created the disbursing agent of the Treasury Department of the United States and held responsible to it for your disbursements. The 7th clause in the 9th section of the 1st article of the constitution of the United States declares "that no money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." By the organic law you are ex officio a subtreasurer of the United States, and you are bound to render your accounts annually for settlement, and to produce legal vouchers for all money disbursed by you. With this view of the subject I am clearly of the opinion that the resolution and certificate referred to in your communication, being destitute of legal authority or Executive sanction, could not with safety be received by you as a vouchers for the payment of money upon them.

The officers named in the resolution and certificate are legally unknown to us, and must continue to be so until a law is passed creating these offices, fixing the salaries and defining the manner of payments.

The foregoing are briefly my views on the subject referred to me, by you, in your communication.

Very respectfully,

Your Obt Sert

Robert Lucas

[*Recorded by X*_____]

ROBERT LUCAS

Governor of Iowa Territory

To all who shall see these presents Greeting:

Know Ye, That reposing special trust and confidence in the integrity and ability of Augustus R. Knapp of Des Moines county I have by virtue of the authority vested in me by an Act of the council and House of Representatives of the Territory of Wisconsin entitled "An act for the partition of the Halfbreed lands" approved January 16th 1838, appointed him Commissioner to fill the vacancy in the board created by the 2d section of the act aforesaid, caused by the resignation of Isaac Van Allen who was appointed to fill the vacancy occasioned by the resignation of Thomas S. Wilson, and do authorize and empower him to execute and fulfill the duties of that office according to law; and to have and to hold the said office with all the powers, privileges and emoluments thereto of right appertaining unto him the said Augustus R. Knapp until the duties specifyed in the act aforesaid shall have been performed

In testimony whereof I have caused the seal of the Territory of Iowa to be hereunto affixed. Given under my hand at the City of Burlington on the 17th day of December 1838, and and of the Inde[pe]ndence of the United States of America the 63d

WM B. CONWAY Secretary of the Territory.

ROBERT LUCAS

[*Recorded by X*_____]

Executive Department
Iowa Territory Decr 26. 1838

Wm B. Conway Secretary of Iowa Territory

Sir,

I wish you to inform me distinctly the reasons why you refuse to pay for the furniture put in the Executive Office out of the appropriation made by Congress—whether you consider the Executive Office seperate and distinct from that of the Secretary of the Territory—and if so your reasons for this conclusion. I would also, wish to know whether you do or, do not intend to discharge the duty required of you by the Organic law relative to recording the acts and proceedings of the Governor in his Executive Department. Nothing of this kind has yet been done by you, and I think it time that this business was done. If it is not your intention to perform these duties I wish to know it, that I can make a representation to the proper Department at Washington.

I request an explicit and *unequivocal* answer to the above.

Respy Robert Lucas

[*Recorded by X*_____]

Executive Department I. T.
December 19. 1838.

To the Council of the Legislative Assembly:

GENTLEMEN—

I have examined with attention the act, entitled "A act regulating the intercourse between the Legislative and Executive departments of the Territory of Iowa," and regret that I am compelled to withhold from it my assent, it its present form.

The Constitutions of many of the states prescribes the manner in which bills shall be presented to the Executive, and points out the time and manner of their return to the Legislature, if objected to by the Executive. The organic law of Iowa Territory is entirely silent on this subject; but declares that the Governor "shall approve of all laws passed by the Legislative Assembly, before they shall take effect"; leaving the whole subject entirely to the discretion of the Executive.

Believing that a law regulating the intercourse between the Legislative and Executive branches of government, that would not interfere with the prerogative of either, would be of mutual advantage as a rule of action to both. With this view I conferred with the committee appointed by the Council for the purpose, and consented to the details of a bill that was reported to the Council by the committee. In comparing the bill submitted for my consideration, with the one originally reported by the committee, I find that the section that was inserted with a view to keep up a mutual

conference and to open the way to a mutual reconciliation of conflicting views, has been stricken from the bill; also, the time within which the Executive was required to return an act, etc., with his objection, to the Legislative Assembly, has been altered from ten to five days—*with these alterations I can never concur;* but am still willing to yield my assent to the bill, if passed as originally reported by the committee. Until this is done, I must use my own discretion, under the Organic Law, *and for your information will state the course I intend to pursue.*

All bills, resolutions, or memorials submitted to me, will be carefully examined, and if approved, will be signed and deposited in the office of the Secretary of the Territory. If special objections are found, but not sufficient to induce me to withhold my assent from the bill, resolutions or memorials, a special note of explanation will be endorsed with my approval.

Bills, resolutions, or memorials, that may be considered entirely objectional or of doubtful policy, will be *retained under advisement*, or returned to the Legislative Assembly with my objections, at such time, and in such way and manner, as I may, for the time being, deem to be most advisable.

With the foregoing observations, I herewith return the bill to the Council without my assent thereto.

Very respectfully

Your Ob^{t} Ser^{t}

Robert Lucas

[*Recorded by X*_____]

Executive Department
Iowa Ter. Decr 29. 1838—

To

the House of Representatives of the Legislative Assembly.

Gentlemen,

There was this morning presented to me for my consideration, a Resolution in the following words—

"Resolved, by the Council and House of Representatives of the Territory of Iowa, That Wm B. Conway Esqr be, and he is hereby appointed, "Fiscal agent of the Legislative Assembly, during its present session, and that all advances of money made by him, shall be refunded to him out of such money as, shall hereafter, be appropriated by Congress.

W. H. Wallace
(Signed) Spe[a]ker H. R.
J. B. Brown
President of Council.

There is no part of this Resolution that can meet my concur[r]ence.

Both the creation of the agent, and the power attempted to be conferred by the Resolution, I believe to be in contravention of the Organic Law.

The Secretary of the Territory is by the Organic Law created the disbursing agent of the appropriation made by Congress to defray the expenses of the present Legislative Assembly, and this Legislative Assembly in my opinion, has *no power* directly or indirectly to control the application

of money that may be appropriated by Congress, to defray the expences of the next Legislative Assembly.

Under this impression, I return the Resolution with my entire dissent.

Very Respectfully
Your Obt Sert
Robert Lucas.

[*Recorded by X*_____]

Executive Department
Iowa Ter. Decr 31. 1838

To

The House of Representatives of the Legislative Assembly.

Gentlemen:

I herewith return the bill to divide the county of Henry and establish the county of Jefferson.

My objections to the bill in ihs present form are 1st That it extends into the Indian country—2d That it divides surveyed townships, which I think ought in all cases to be avoided. I would therefore recommend a modification of the boundary so as to bound it by township lines, and the Indian boundary line.

With these modifications, the bill will meet with my cordial approvial.

Very Respectfully
Your Obt Sert
Robert Lucas

[*Recorded by X*_____]

Executive Department
Iowa Ter. Jan[y] 4. 1839

To—

the House of Representatives of the Legislative Assembly.

Gentlemen: There was presented to me for my consideration a resolution in the following words:

"Resolved, by the Council and House of Representatives of the Territory of Iowa, That when an act is presented to the Governor for his approval, he shall, within a reasonable time thereafter, make known to the House in which said act may have originated of his approval thereof; or, if not approved of, the act shall be returned, with his objections thereto.

(Signed) W. H. Wallace
Speake[r] H. R.
J. B. Browne
Presid[e]nt of Council."

I see no place in the organic law, that vests the Council and House of Representatives with the right to dictate to the Executive in the discharge of his official duties. I, also, received another resolution in the following words:

"Resolved, by the Council and House of Representatives of the Territory of Iowa, That the postmaster at Davenport, Scott county, be and he is hereby authorized to have the mail from Davenport to DuBuque conveyed in two horse post coaches, twice a week during the present session of this Legislative Assembly, and that the Post Master

General of the United States by [be] memorialized by the Legislative Assembly to allow and pay the extra expences that may be incurred under this resolution.

(Signed) W. H. Wallace
Speaker H. R.
J. B. Brown
Presid[e]nt of Council.

In this resolution the Council and House of Representatives, have, in my opinion, assumed powers that can only be exercised by the Congress of the United States, and the Post Master General, under the laws of the United States.

Both resolutions are returned without my approval.

Respectfully
Your Obt Sert
Robert Lucas.

[*Recorded by X*_____]

Executive Department
Iowa. Ter. Jany 5. 1839—

To
the House of Representatives of the Legislative Assembly:—

Gentlemen:

There has been presented to me for my consideration, a resolution in the following words:

"Resolved, by the Council and House of Representatives of the Territory of Iowa, that his Excellency, Gov. Lucas,

is hereby respectfully requested to inform each House of the Legislative Assembly, of all acts by him approved during the present session, and that he is further requested hereafter to inform the Council or House in which a bill originated (as the case may be) of his approval, immediately after he has approved of the same.

(Signed) W. H. WALLACE
Speaker of H. R.
J. B. BROWNE
President of Council."

It would at all times do me pleasure to comply with any respectful request of the Council and House of Representatives, could it be done with propriety and conveinence; but having neither secretary, clerk, messenger, assistant or other attendant, in public employ, at the Executive office, I have to depend upon the volintary aid of a few private friends, for clerical and such other assistance as is needed in the discharge of indispensable duties.

This being the case, I must respectfully decline a compliance with your respectful request, and must respectfully invite your attention to my communication to the Council of the 19th December last. By that communication you will be enabled to perceive that all bills, resolutions, and memorials, that are approved by me, are immediately deposited with the Secretary of the Territory, whose duty it is made by the organic law to record and preserve the same.

If the information required should be deemed of greate importance to the Council and House of Representatives by a call on the secretary it can, doubtlessly, be obtained. I

have as yet, seen no good reason to change the course of executive proceeding, as pointed out in my communication of the 19th ultº to the Council, relative to bills, resolutions, and memorials, forwarded for my consideration. And until a law shall be passed regulating the intercourse between the Executive and Legislative departments of government, embracing the principles alluded to in said communication, I shall adhere to the course there pointed out.

The resolution is herewith returned without my signature,

Respectfully

Your Obt Sert

Robert Lucas—

[*Recorded by X*_____]

Executive Department Iowa Tr
Burlington Janʏ 9. 1839

To,

the Hon. Council of the Legislative Assembly.—

In pursuance of the act entitled "An Act to organize diciplin and govern the Militia of this Territory—" approved, the 4th instant: I do hereby nominate for your advice and consent the following named officers to wit;

Jesse B. Brown, of Lee county to be Major General of the first Division Jonathan E. Fletcher, of Musquatine county to be Major General of the second Division and Warner Lewis, of DuBuque county to be Major General of the Third Division of the Militia of this Territory.—

E. A. M. Swazy, of Van Buren county to be Brigadier General of the first Brigade and Augustus C. Dodge, of Des Moines county to be Brigadier General of the Second Brigade in the first Division.

John Frierson, of Musquatine county, to be Brigadier General of the first Brigade and Jonathan W. Parker, of Scott county, to be Brigadier General, of the Second Brigade in the second Division.

George Cobbage, of Jackson County, to be Brigadier General, of the first Brigade, and Frances Gehon, of DuBuque county, to be Brigadier General of the second Brigade in the Third Division.

Which is respectfully submitted—

by Your Obt Sert.

Robert Lucas—

[*Recorded by X*_____]

Executive Department—

Iowa Tery Jany 8. 1839—

To the Council of the Legislative Assembly:

Gentlemen:

I have examined the Bill submitted for my consideration, entitled "An Act to incorporate the city of DuBuque," and find in it the following provisions to wit:

4th section—That the Mayor of said city shall be elected by the qualified voters thereof, on the first Monday of March, bienally, and shall hold his office for the term of

two years and until his successor shall be chosen and qualified; and previous to his entering on the duties, of his office as Mayor, shall be commissioned by the Governor as a justice of the peace; and in defining his powers, it is declared, in said section, "That he shall in his judicial capacity, have exclusive original jurisdiction of all cases for the violation of the ordinances of said city, and criminal jurisdiction in all cases where, by the laws of the Territory, justice of the peace, within the county of DuBuque, are, or shall be authorized to here or determine, or in any manner have power to act, and for the due and efficient exercise of the power herein and hereby vested in him, he shall have power, and it shall be lawful for him to award all such process, and issue all such writs as may be necessary to inforce the administration of right and justice throughout said city, and for the lawful exercise of his jurisdiction agreeably to the usages and principles of law."—After defining the jurisdiction of the Mayor in certain cases, and pointing out the mode of appeals to the district Court, the section proceeds, "And the said District Court of the county of DuBuque is hereby auth[o]rized empowered and directed to take cognizance of and hear and determine all such cases as shall be brought before them by appeal as aforesaid, and to assess such fine and pass such judgment against the defendant or defendants as shall be provided by ordinance of said city. The Mayor shall, moreover, have power to take and certify the acknowledgments of all deeds for the conveyance or inc[u]mbrance of real or personal estate situated in the Territory of Iowa. And it shall be lawful for him to order

any person or persons brought before him charged with the commission of any criminal offence, in any state or territory of the United States, upon proff by him adjudicated sufficient, to direct such accused person or persons to be delivered to the Governor of this Territory (or state, as the case may be) who shall cause such person or persons to be conveyed to the proper jurisdiction for trial."

I will make no comments on the foregoing, farther than to call your attention to the subjoined extracts from the organic law, relative to the judicial powers of the Territory, the appointment of justices of the peace and other officers, and the act of Congress relative to fugitives from justice, and solicit a careful examination and comparison of them—and will ask the Council wherther, after such examination and comparison, they can, by any rules of construction, be reconciled.

The 7th section of the organic law declares, that "The Governor shall nominate, and by and with the advice and consent of the Legislative Council shall appoint, all judicial officers, justices of the peace, sheriffs, and all military officers, except those of the staff, and all civil officers not herein provided for."

The 9th section of the organic law declares, that "The judicial power of said Territory shall be vested in a Supreme Court, District Courts, Probate Courts, and in justices of the peace." Here ends the judicial power of the Territory.

The first section of the act of Congress relative to fugitives from justice, declares, "That whenever the Executive authority of any state in the union or either of the Terri-

tories northwest or south of the river Ohio, shall demand any person as a fugitive from justice of the Executive authority of any such state or Territory to which such person shall have fled, and shall moreover produce the copy of an indictment found or an affidavit made before a magistrate of any state or Territory as aforesaid, charging the person so demanded with having committed treason, felony, or other crime, certified as authentic by the Governor or Chief Magistrate of the state or Territory from whence the person so charged fled, it shall be the duty of the Executive authority of the state or Territory to which such person shall have fled, to cause him or her to be arrested, and secured, and notice of the arrest to be given to the Executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear; but if no such agent shall appear within six months from the time of the arrest, the prisoner may be discharged. And all costs or expenses incurred in the apprehending, securing and transmitting such fugitive to the state or Territory making such demand shall be paid by such state or Territory.

The act of the 12th of February, 1793, must control all proceedings relative to persons charged with criminal offences in any state or Territory, that may have fled to any other state or Territory within the United States.

I will, therefore, in conclusion, solicit the council to re-examine the provisions of the bill herewith returned, as above alluded to, and will ask the questions, can the manner

pointed out in the bill for electing the mayor, and requiring him to be commissioned by the Governor as a Justice of the peace, and the judicial powers attempted to be conferred upon him in the bill, be reconciled by comparison with the foregoing extracts from the organic law? Can the powers attempted to be conferred upon the mayor, relative to persons charged with criminal offences in other states or territories, be, on comparison, reconciled with the foregoing extracts from the act of Congress. I think not.

Respectfully
Your Obt Sert
Robert Lucas.

[*Recorded by X*_____]

Executive Department I. Ter.
January 12. 1839—

Sir,

In compliance with the resolution of the Legislative Assembly—I have the honor to transmit to you the foregoing memorial and resolution.

His Excey the Presid[e]nt
U. S.
Hon Wm W. Chapman
Hon Speaker of the H. R.
one copy to each—Washington City.

Respectfully—
Your Obt Sert
Robert Lucas

[*Recorded by X*_____]

Executive Department I. Ter.
January 16. 1839—

To the Hon. Council of the Legislative Assembly:

Gentlemen:

I hereby nominate for your advice and consent the following named Officers to wit;

In Lee county, Henry Eno, to be Judge of Probate, and Braxton W. Gillock sheriff.

In Van Buren county, Uriah Biggs to be Judge of Probate and Henry Heffleman sheriff.

In Des Moines county, Robert Cock to be Judge of Probate and James Camron sheriff.

In Henry County, G. I. Sharp to be Judge of Probate and Samuel Smith sheriff.

In Louisa county, Ruben S. Searls to be Judge of Probate and Cavil M. McDaniel sheriff.

In Musquatine county Arther Washbourn to be Judge of Probate and James Davis sheriff.

In Scott county E. Cook to be Judge of Probate and Adrian H. Deavenport sheriff.

In Cedar county, James W Tallman to be Judge of Probate and George McCoy sheriff.

In Slaughter changed to Washington county, Nathan Baker to be Judge of Probate and Milo Holcomb sheriff.

In Johnson county, Pleasant Harris to be Judge of Probate and Samuel Trowbridge sheriff.

In Jackson County, James R. Moss, to be Judge of Probate and Wm A. Warren sheriff.

In DuBuque county Charles Corkery to be Judge of Probate and George W Cummins sheriff.

In Clayton county, Samuel H. K. McMasters to be Judge of Probate and J. B. Griffith sheriff.

In Linn county, Isra[e]l Mitchel to be Judge of Probate and Socrates H Tryon sheriff.

In Jones county, Charles P. Huton to be Judge of Probate and Hugh Bowen sheriff.

Respectfully submitted

ROBERT LUCAS.

[*Recorded by X*_____]

Executive Department Iowa Ter^{y}

Jan^{y} 18. 1839—

To the Hon. Council of the Legislative Assembly:—

Gentlemen:—I hereby nominate for your advice and consent the following named gentlemen to be Justices of the peace to wit:—

IN LEE COUNTY.

Paul Brattain	James Gray
Abraham Henkle	Archibald Gilleland
Eli Millard	Hugh T. Withroe
David Haggard	Samuel Ross
Josiah Shelton	Isaac Briggs
Robert Grewell	Jairus Fordice
Isral Smith	Jacob Thomas

Thomas Douglass
Michael W. Walker
William Newcomb
Soloman Jackson
Thomas M. Clark
Edward Enlow
John F Moberly
Eli Stoddard
John Judy
Pleasant M. Armstrong
David W. Kilbourn
William Wilson
William Lucas
John A Drake
Peter Miller
Samuel B Ayers
William Skinner
Edwin Guthrie
John Hillis
R. S. Campbell
John Spain
William H Walker
Lewis Pitman

In Van Buren County

Wilson Stanley
Sewell Kenny
John Cochran
Martain A. Brittain
William Kendrick
Samuel C. Reed
T. J. Cox
William[1] Tade
James Robb
Silas Stone
James Moffet
John Taylor
Jame E. Richey
John Whitaker
John Groom
James Gardner
George Reynolds
William Miller
James T. Sutton
Alexander Woods
S. C. Knight
David Casebear
John Marshall
Bushrod Cravens
Benjamin B. Throop

[1] "William" has been changed to "David" by pencil.—Editor.

In Des Moines County.

John Burkhart
David R. Chance
David Hendershott
Barnet D. Portlock
John D. Wright
James D. Spearman
Allen Elliott
Orison Craig
Philip Maskel
Richard Parks
Timothy Fox
John C. Sleeth
William Smith
William Griffey
Henry Walker
Robert Cock
Jonathan J. King

In Henry County.

John B. Lash
P. C. Tiffany
Wm G. Lowell
Ninian C. Steel
Myron Kilbourn
James R. Ritchie
Zeno Plumkett
Frederick Lee
Grinder Wilson
Daniel Dobbins
Oliver Pollock
Abraham Updegraff
Timothy S. Gaskell
Lewis Watson
Joseph Huntly
Robert W. Gillenwater
Samuel Nilson

In Jefferson County.

Daniel Lears
Jesse C. Walker
Roodham Bonnafield
Jonathan Turner
Joseph Parker
Amos Summers
Reuben Root
Enos Elmaker

Elijah Chastain
Josiah Lee

John Aukrom
John W. Sullivan
John Priest

In Louisa County.

William Milligan
John Gilliland
John Ronalds
Jacob Mintun
Maximillian Eastwoods
Isaac Parsons
Samuel Woodsides

Truman S. Clark
Joseph Crane
George Humphrey
William Fowler
Thomas Stodard
Hiram Smith
Christopher Shuck

In Musquatine County.

Wier Long
Robert Stewart
Cornelias Lancaster
John Wilson
Silas S. Lathrop
Thomas J. Stark
Moses Parrine
Abraham D. Veile
Samuel H. Colyer

William Leverich
Thomas Burdet
James Simpson
George Strome
Jacob Keizer
Van Ransellier Tompkins
Arthur Washburn
John Kidder
Robert Bunifield

changed to WASHINGTON

IN SLAUGHTER COUNTY.—

William S. Hervey	Elias Buel
Mathew Morehead	Thomas Coldwell
	Nathen Baker

IN CEDAR COUNTY—

William Green	John G. Foy Senr
David Walton	Richard R. Ransford
William Mason	Warren Stiles
Alanson Pope	Porter McKinster
Jehu Kenworthy	James Leverich Senr
James Buchannan	John Whittelsey
Elisha E. Edwards	David Burns
Henry Hardman	Washington A. Rigby
Daniel Hare	Joshua King—

IN SCOTT COUNTY

John Forrest	Samuel Marrs
Richard Pearce	Lewis Kinglesley
John Work	M. N. Bosworth
Samuel Parker	Suman M. Strong
Ralph Litton	Jacob Heller
Benjamin F. Pike	John K. Spicon
Samuel Hedges	Ira Cook

In Clinton County.

Simon Gardner	Albert Salsberry
James Clairbourn	Charls Whipple
Philip J. Monroe	Joseph Yolger
Elijah Buel	

In Linn County.

Henry B. Burnap	John Crow
John G. Cole	William Abby
John M. Afferty	Israel Mitchel

In Jones County.

Thomas L Denson	John G. Josslin
John C. Rafferty	Orvil Conkrite
Moses Garrison	Charles P. Hutton
Calvin C. Reed	

In Johnson County.

Samuel H. McCrory	Caleb Clark
Robert Walker	Pleasant Harris

In Jackson County.

Morris S. Allen	Nathaniel Butterworth
George Watkins	James Kelly
James S. Burtis	Robert Carey

John Forbes	John Clark
Lucas B Walker	William Lee
Wm H. Vanderventer	Charles H Harris

In Clayton County

Robert Hetfield	Patten McMillen
Allen Carpenter	Jesse Laudley
Henry Haltzpecker	Henry S Sibley
Eliphalet Price	Benj F Baker
Samuel Walker	

In Du Buque County

James R. Goodrich	William H Whitesides
Timothy Mason	Grun Weaver
Mortimore Bambridge	Burget B. Lawless—
Myren Patterson	

I also nominate for your advice and consent Henry B Notson to be Judge of Probate of Jefferson County, and Frederick F Lyons to be sheriff of said County—

Respecfully submitted
by Your Obt Sert
Robert Lucas

[*Recorded by X*_____]

Executive Department
Jan^{y} 19. 1839—

To the Hon. Council of the Legislative Assembly

Gentlemen:—I hereby nominate for your advice and consent the following named gentlemen as field officers to the mili[ti]a of the Territory towit:—

In the first Brigade first Division—first Regiment Francis P. Blevens to be Colonel—John Freeman Lieutenant Col. and Braxton W. Gillock Major.

Second Regiment Obediah Selby to be Colonel Bushrod Cravens Lieutenant Col—and Giles Wells Major—

In the Second Brigade first Division first Regiment George H. Beeler to be Colonel—James M. Thompson Lieuten[an]t Col. and Stephen Geerhart Major—

Second Regiment Samuel Braziltine to be Colonel, Samuel S. Walker Lieutena[n]t Col—and Jacob L. Myares Maj.

In the first Brigade second Division first Regiment John Ronalds to be Colonel Z. C. Inghram Lieutenant Colonel and Robert Childers Major—

Second Regiment John Vannatta to be Colonel Siles S. Lathrop Lieutenant Colonel and Wiliam A. Clark Major.—

In the second Brigade Second Division first Regiment Samuel Hedges to be Colonel Elisha H. Shepard Lieutena[n]t Colonel and John Sheller Major.—

Second Regiment James W. Tallman Colonel Prior Scott Lieutenant Colonel and W^{m} D. Neely Major.—

In the first Brigade third Division first Regiment John H. Rose to be Colonel Charles Swan Lieutenant Colonel and Wm A. Warren Major.

Second Regiment Charles P. Hutton to be Colonel Hugh Bowen Lieutenant and Col. Thos L. Dixon Major.

In the second Brigade third Division first Regiment Paul Cain to be Colonel David Slater Lieutenant Colonel and William Myers Major.

Second Regiment Henry F. Lauder to be colonel William W. Wyman Lieutena[n]t Colonel and Robert Hetfield Major.

Respectfully submitted
by Your Obt Sert
Robert Lucas—

[*Recorded by X*_____]

Executive Department I. T.
Jany 17. 1839—

To the Hon. House of Representatives of the Legislative Assembly:—

Gentlemen:—I have examined the bill submitted for my consideration, entitled—"An act to establish the seat of Government of the territory of Iowa, and for other purposes," and concur in its general provisions, particuraly those parts that establish the seat of Government in the central county of Johnson, and provide for the meeting of the Legislative Assembly at Burlington until public build-

ings are erected at the seat of Government for their accommodation; but I find the bill defective in its details.

It authorizes the commissioner therein provided for, to enter upon the United States land that is yet unsurveyed; to lay out 640 acres in towns lots, streets and alleys; to agree upon a plan for the public buildings; to i[s]sue pro-[po]sals; and immediately thereafter to contract for erecting said buildings without delay; but contains no provisions to obtain the consent of Congress to locate the seat of Government on their lands, or to obtain a grant or title from the Government, to the land upon which the seat of Government may be located.

There is no provisions in the bill for the sale or discription[1] of the lots in the town directed to be laid out at the seat of Government, or to dispose of, in any way, the avails of said town; notwithstanding the commissioners are directed to proceede to erect public buildings.

The bill declares that the Governor of the Territory shall officiate as Treasurer, and imposes on him duties totally incompatible with the duties of the Executive of the Territory.

It provides for the appointment of commissioners by joint ballot of the Council and House of Representatives, which is a mode of appointment entirely unprovided for by the organic law.

With the foregoing exceptions, I approve of the bill, and am willing that this communication may be considered as notice of such approval.

[1] Probably intended for "disposition."—EDITOR.

I shall however, retain the bill in my possession for the present, and should the Legislative Assembly, during its present session, pass an explanatory supplement, remedying the defects above alluded to, the whole subjest will meet with my unqualified approval.

Respectfully
Your Obt Sert
Robert Lucas.

[*Recorded by X*_____]

Executive Department I. T.
January 21. 1839

To the House of Representatives of the Legislative Assembly.

Gentlemen,—I have this day signed the act entitled "An Act to locate the seat of Government of the Territory of Iowa, and for other purposes,["]—also, the act entitled "An Act supplementary to an Act to locate the seat of government of the Territory of Iowa, and for other purposes," and have deposited both acts with the Secretary of the Territory.

In transmitting to you this information, I consider it my duty to state to you, at the same time, that I have been unable to reconcile with the organic law, the provisions therein, that relate to the mode of appointing commissioners, and filling these appointments with members of the Legislative Assembly.

I have been unable to discover any place in the organic law that vests in the Legislative Assembly the right to appoint officers. The 7th section declares, "that all township and county officers, except judicial officers, Justices of the peace, sheriffs, and clerks of courts, shall be elected by the people."—Thus securing to the people, the right to elect all officers, (with the above exception) that pertake of the character of township or county officers.— The section further proceeds to declares, that, "the Governor shall nominate, and by and with the advice and consent of the Legislative Council, shall appoint all judicial officers, justices of the peace, sheriffs, and militia officers, except the staff, and all civil officers not herein provided for."

The 8th sections declar[e]s "that no member of the Legislative Assembly, shall hold or be appointed to, any office created, or the salary or emoluments of which, shall have been increased, whilst he was a member during the time for which he shall have been elected and for one year after the expiration of such term."

If the commissioners created and appointed by these acts, partake of the character of civil officers, both the mode of appointment, and filling these appointments, with members of the Legislative Assembly, are in contravention of the organic law and would be legitimately void.—But, inasmuch as provision has been made in the act regulating writs of quo warranto, for bringing questions of this character before the judiciary; and considering also, that the members of the Legislative Assembly as well as myself, have taken a solemn oath to support the organic law—and approving

the bill in other respects—I have waved my objections and signed both the original bill and supplement, under the impression that should the organic law be infringed, the proper remedy may be applied by the judiciary under the quo warranto act.

Very respectfully
Your Obt Sert
Robert Lucas

[*Recorded by X*_____]

Executive Department Iowa Ter.
January 24. 1839—

To the Honorable the Senate & House of Representatives of the United States of America in Congress Assembly:

Your merorilist[1] in compliance with the provisions of the Acts of the Legislative Assembly of the Territory of Iowa, approved the 21st inst. (extracts from which accompany this memorial) would respectfully solicite of the Congress of the United States permission to locate the seat of government of the Territory upon the lands of the United States in the county of Johnson and within the late purchase made by the United States, from the Sac and Fox Indians; and that you would grant unto the said Territory a donation of four sections of land upon which to locate the said seat of Government; or if your honorable body should not deem it expediant to grant the land as a donation that you would secure to the Territory a preemption right to

[1] Evidently intended for "memorialist."—Editor.

four sections of land at the place that may be selected for the seat of government, and that a tittle to the same may be perfected, on payment being made in such manner as in your wisdom may be deemed expedi[e]nt.—And as in duty bound your memor[ia]list in behalf of the Territory of Iowa will ever pray.

ROBERT LUCAS
Gov. of Iowa Territory.

The Hon. Spe[a]ker H Repet
the President of the Senate
Copy to each
Congress—[1]

[*Recorded by X*_____]

Executive Department
January 25. 1839—

To the Honorable Council of the Legislative Assembly—

Gentlemen:

I have examined the bill submitted for my consideration (which appears by endorsement to have originated in your house) entitled "An act to authorize the Legislative Assembly to punish for contempt and privilage members from arrest.

The first section declares—"That each house of the Legislative Assembly shall have authority to punish by fine and imprisonment any person not a member, who shall be guilty of disrespect by any disorderly or contemptious behaviour" &c—and subjicts the offender to a fine of Two hundred dollars and forty eight hours imprisinment.

[1] Inserted later (probably by Governor Lucas).—EDITOR.

The second section declar[e]s, "That the members of the Council and House of Representatives shall be privalaged from arrest in cases except Treason Felony and a breach of the peace during the continuance at the session of their respective houses and in going to and returning from the same—and from being questioned in any other place for any speech or debate in either house."

Inasmuch as no arrests are allowed by the laws of the Territory on civil process, I cannot see the necessity for this provision. It sur[e]ly would not add much to the dignity of the Legislative Assembly to exempt th[e]ir members from arrest for offences that do not come within the above exceptions—such as gambling, drunkenness Sabath-breaking profane sw[e]aring and the various vicious practices in voilation of municepal law. My opinion has always, been that those who make laws should be bound to be obediant to them; I therefore cannot see the necessity or propriety of prevalliging members to voilate them by throwing themselves upon their privalages; neither do I think it would be advisable to clothe each branch of the Legislative Assembly with authority to be accusers and judges in their own cases, with power to fine and imprisson any person not a member that they might think had treated them with disrespect or contempt—for *sur[e]ly* if a Legislative body or any of its members should be guilty of conduct that would render them contemptious in public estimation it would be wrong to fine and imprission a citizen for speaking the truth about them.

I cannot approve the bill with these provisions, and return it accordingly.

Respectfully
Your Obt Sert
Robert Lucas.

[*Recorded by X*_____]

Executive Department I. T.
Jany 31. 1839—

To His Excy
The Gov. of Mass.

I have the honor to acknowledge the receipt of "Two copies of the journarls of the Provincial Congress of Massachusetts," transmitted for the Library of this Territory '— as also, a letter accompanying them.

Very Respectfully
Your Obt Sert
Robert Lucas

[*Recorded by Y*_____]

(4.) Executive Department I. T.
Burlington Feb'y 2nd 1839,

Sir.

I some time since received your letter of the 10th of December, acknowledging the receipt of my account for the Two first Quarters, of my Salary, in which you stated that you had referred it to the Auditor for settlement, and that the Treasurer had been requested to draw for my Sal-

ary on the receiver of the Land office in this Territory—I have up to this date, received no intelligence from the Treasurer on the Subject; if the draft was forwarded by him, it has either been miscarried or lost. As the second quarter in the account produced extended to the 31st of December, I supposed it probable that the account would not be audited till that time; and have therefore waited until now—without informing you of the failure—Will you be pleased to inform me, whether or not a draft for my Salary has been forwarded by mail—

I also request the favour of you to cause to be forwarded to me a draft on the Receiver of the Land office, at this place for three hundred and fifty Dollars, the amount appropriated under the provisions of the Act of the 12th of June last, to be expended by the Governor to defray the contingent expenses of the Territory. These drafts would be truly an accomodation to me at this time as have not received from Government One dollar for either my Salary or contingent expenses since my appointment on the 7th of July last. Could there not be an arrangement made so as to have our salary always cashed at the land office in this place as they become due: The uncertainty of conveyance by mail, and the delay caused by transmitting them to Washington, renders it very inconvenient to us in the far West.

With sincere respects
I am Your Obt. Servt.

Hon. Levi Woodbury. Robert Lucas.
Secretary of the Treasury, U. S.

[*Recorded by X*_____]

Executive Department I. T
Janʸ 23. 1839

To the House of Representatives of the Legislative Assembly.

Gentlemen, I have examined the bill presented for my consideration entitled an "act to provide for the compensation of sheriffs of the different counties of the Territory for ordering elections and posting up notices."

The first section of which commences as follows:

Sec. 1. Be it enacted by the Council and House of Representatives of the Territory of Iowa, that there shall be paid out of the sum appropriated by Congress for defraying the expences of the Legislative Assembly of Iowa for the year 1838–9"—naming the different sheriffs and sums respectively allowed.

This bill in my estimation is defective and does not secure to the gentlemen therein named the several sums therein allowed. If the intention of the bill was to pay those allowances out of the appropriation made by Congress to defray the expences of the present Legislative Assembly, it should have been so expressed; but if it was the intention to have them paid out of the sum that may be appropriated by Congress to defray the expences of the next Legislative Assembly, I consider that the Legislative Assembly exceeding their power in passing it. As I observed on a former occasion, I do not believe this Legislative Assembly possesses any power to control either directly or indirectly the appro-

priation of money that may be appropriated by Congress to defray the expences of the next Legislative Assembly.

If the principal was admitted that the Legislative Assembly has the right to control the application of one dollar of the appropriation that may be made by Congress to defray the expenses of the next Legislative Assembly, they may upon the same principal expend the whole and leave the next Legislative Assembly without the means of defraying the necessary expenses of the session. This would be a so glaring a perversion of the intention of the act of Congress, that I think the right to do so by the Legislative Assembly cannot for a moment be contended for. I therefore respectfully solicit the attention of the Legislative Assembly to this subject and suggest that a modification may be made in the bill to provide for the payment out of the allowences of the territorial treasury. Or should Congress in their liberality see proper to make an appropriation to pay the excess of expenditures of the present Legislative Assembly over the appropriation heretofore made, a conditional provision might be inserted in the bill to pay these allowances out of such appropriation.

The principals of the bill, making the allowance to the gentlemen therein named, I approve, but return it with the foregoing suggestion, with a hope that it may be modified so as to secure, in some way, the payment of the sums therein allowed.

Very respectfully

Your &c

(signed) Robert Lucas

[*Recorded by X_____ and Governor Lucas*]

Executive Department I. T—
Burlington, Janʸ 28. 1839.

Dr. Sir, On Saturday evening after the Legislative Assembly had adjourned, I recᵈ you able report on the subject of the Southern boundary of Iowa Territory—and I assure you Sir, that it would have done me a pleasure to have laid it before them had I recᵈ it during the session.. But this not being the case it will of necessity have to be filed with the Executive papers to be reported to the next Legislative Assembly at the commencement of the session.

The Legislative Assembly adjourned on the 25ᵗʰ Int. which terminates their limits of seventy five days. It has been one of the most stormy sessions—and I may say one of the most extraordinary Legislative Assemblies that I have ever had an acquaintance with, particularly[1] their reckless disregard to economy in public expenditures, and their profligate allowances extending to many thousand Dollars, beyond the appropriations made by Congress to defray the expence of the session. I have my doubts whether Congress will consent to post their extravagant bills. My opinion with regard, to the right of the Legislature to exceed in their expenditu[re]s, the appropriations made by Congress, were expressed in my Message. That opinion I have not changed, and I of course cannot approve their proceedings in that respect. Yet there has been some good done.

[1] With this word the handwriting changes from that of *X*_____ to that of Governor Lucas by whom the remainder of the document was evidently recorded. —Editor.

The Resolution that passed, early in the session; requesting the Judges to prepare bills for their consideration has had a good effect. The bills reported by the Judges generally passed without much alteration, and embraces the most important subjects, and as far as they go, I think our laws will be equal to those of any of the states.

Vy respectfully
Your obt svt

Doctr James Davis
Commissioner Boundry line

Robert Lucas[1]

[*Recorded by X*_____]

Executive Department I. T
Burlington Mar. 12. 1839—

Sir,

On my return to this place, after a short tour to the interior and frountier of the Territory, I received your communication of the 5th ulto.—in which you inform me that you had been directed by the President to transmit to me the enclosed copies of a communication and its enclo[s]ures addressed to him by members of the Iowa Legislature—and to desire that I would furnish that Department with my explination of the circumstances which formed the ground of complaint—for which communication and enclo[s]ures I sincer[e]ly thank you.

I had been informed that a communication had been for-

[1] Autograph signature.—Editor.

warded to the President by certain dissatisfied members of the Legislature; but never, until the receipt of your communication could learn who they were, or the purport of their complaint

I will take a brief notice of the communication, and present to the consideration of the President a few facts as they exist.

To the first complaint—that, I do not possess the qualifications which are required of a Governor in a new Territory—I will not reply, leaving that question with those who are acquainted with my public services in Ohio and else where, for many years past.

The next complaint is, that, "If any measure is called for by the People of the Territory, it is a lamented fact that it meets with an Executive *Veto*, unless it agrees with his whims of the moment—he exercises his veto in all cases without regard to judgment or propriety and without respect to the feelings and rights of the Legislature."—*This charge has no foundation* in truth, and as a refutation of the same, I transmit to the Department copies of all my communications to the Legislative Assembly from the commencement to the close of the session, that can have any relation to the charge, and will solicit for them a careful consideration; if there is any thing contained therein that encroaches upon the the prerogatives of the Legislative Assembly, or inconsistent with the wishes of the people of the Territory, it has escaped my notice, But on the other hand it will be found that in some of the acts and Resolutions from which I withheld my assent a disposition was manifested by the Legislative

Assembly to exercise powers not guaranteed to them, to dictate to the Executive and to control his official acts.

The complaint about the treatment of members who called upon the Executive, has not the shadow of truth to support it, and is of too trivial a character to meet with a special notice

The complaint relative to my vetoing (as they call it) the "Act regulating the intercourse between the Legislative and Executive Departments of the Territory of Iowa," will be explained in my communication to the Council, returning the bill; to which I respectfully refer you.

With regard to special approvials, I did note on some bills, chartering Ferries across the Mississippi River, a note of explanation to the following effect.

"Note—So far as this act may be construed to interfere with private rights, or or the property of the United States, it will be considered void, in other cases valied; with this note of explination I give it my assent." I did not consider that the Legislature had any right to grant to individuals an exclusive privilige to occupy a ferry landing, where the property was either owned by private persons or the United States.— The above endorsement was made on some ferry bills that passed early in the session, afterwards several bills passed with a proviso corresponding with that notice and were approved generally; the above contains the whole of the special approvals complained of. If I was in error in thus endeavoring to protect the rights of individuals, and the property of the U S. I have not been enabled to discover where the error lies.

The complaint relative to the ["]Bloomington and Cedar canal company," I consider scarcely worth a notice. From their own statement it is evident that they did not understand the provisions of the bill, if they supposed it to confer banking privilages. It was a bill in which many citizens of the Territory feel a deep interest and on its presentation to me was approved—as to any previous pledge given by the Executive, or the notice spoken of as having been published in the Territorial Gazette before the bill had been presented to the Executive for his approval, I know nothing of them, and never heard of them till I saw it in the communication transmitted to me from Washington.

The gentlemen complainants, state, that—"the bill was highly objectionable to the Democratic members, but some of them voted for it to try the Democracy of the Governor." I was unable to discover that the bill had any relation to the principals of democracy—and if these *self styled, Democratic members*, who they say "voted for the bill to try the democracy of the Governor" could thus sport with the oaths they had taken at the commencement of the Session, "*faithfully and impartially to discharge their duties to the best of their judgment and understanding*" and at the same time to vote against their judgment and understanding, to try the democracy of the Governor; I confess that I do not envy the state of their moral sensibility.

But some of these same members, subsequently to the passage of the Bill of which they complain, voted for the passage of one containing far more exceptionable principals, and which I confess was approved by the Executive with greate reluctance.

They promised "that a memorial detailing all the facts which have thus far disgraced the administration of Governor Lucas, will [would][1] be presented before the final adjournment of the Legislature of Iowa, and it is [was][1] well known that the free and democratic citizens of the Territory will sustain their Representatives"—to the assertion that the free and democratic citizens of Iowa will sustain their Representatives as far as opinions have been recently expressed, *the direct negative is given*

The promised Memorial, and a counter Memorial, I understand have been forwarded to the President as well as a Remonstrance from the people against the memorial of the majority of the Legislature—to which I respectfully solicit the attention of the President

As far as I have been enabled to judge from the expression of the people, during a tour of three weeks thro. the interior of the Territory I am satisfyed that my administration is approved by a *large majority* of the people of the Territory.

The principals of my message at the meeting of the Legislature were approved by the people generally thro'out the country, and it is only at the grog shops and haunts of vice that the measures recommended in my message are openly denounced—I have strictly adhered to the principals therein recommended, and have in no instance knowingly departed from them. I was well aware of the responsibility I incurred in referring in my Message to the practice of gambling and other vicious practices; particularly, that of wearing con-

[1] This word inserted later in pencil (probably by Governor Lucas).—Editor.

sealed weapons. One of the members elect of the Legislative Assembly—the late District attorney, was shot in the streets of this city; our situation and want of a proper organized government exposes us to the depredations of reckless, dissolute characters, our want of prisons render our penal laws entirely nugatory, and being bound by the oath I had taken "to see the laws faithfully executed", and having no means of performing this duty but thro. the agency of civil officers to be appointed by the authority of the Territory. I concluded at once to set my face against vice, and declared my determination to nominate none to office, who were known to be of bad moral character, or addicted to the habits of gambling or intemperance—This declaration was made public in my message—none however dared to oppose it openly, but it has met with a secret and determined opposition from a certain class of community.

I have herewith transmitted copies of all communications from me to the Legislature during its session, (except those nominating officers to the council), from which the President will be enabled to judge as to the truth of the charge of my having "exercised the veto power without regard to judgment or propriety." My only doubts are, that in my general desire to coincide with the Legislative Assembly, I have permitted some bills to pass, that were erroneous in principal and defective in detail.

With the exception of the bills refered to in the communications herewith transmitted, every bill that was presented to me during the session of the Legislature was approved—Two bills were presented the evening after the

Legislature had adjourned, and after many of the members had called to take leave of me.—

One was an act to repeal "all acts and parts of acts of a general nature adopted and passed by the Legis[l]ative authorities of the Territories of Michigan and Wisconsin, and now in force in this Territory."

This bill if approved would have left the Territory without laws on many important subjects—towit; the law authorizing marr[i]age together with many others of mportance would have been repealed.

The other bill, was "an act to provide for the compensation of printers of the Legislative Assembly, *and for other purposes*" This last bill contains many extravagant allowances, which I considered unwarrantable and in voilation of the organic law of the Territory—among which are allowances to the secretary of the Territory, to the amount of seventeen hundred and fifty dollars, the greater part of which are for the performance of duties that I consider as properly devolving upon him as Secretary of the Territory and for which the United States pays him an annual salary of $1200—

The Legislature having adjourned before the bills presented for my consideration, and being highly objectionable, were of course, filed among the Executive papers, to be reported to the next Legislative Assembly at the commencement of its session.— I would here remark, that the Legislature during its session declared that a Resolution signed by the presiding officers, without the Executive sanction, was a sufficient voucher for the payment of money,

in which opinion the *Secretary* concur[r]ed, and as I am informed paid the printers, members of the Legislative Assembly, their *host* of offices, and sundry other allowances, upon such Resolution (this I do not state officially, as no such resolution was ever presented to the Executive for his approval.) The printed Documents however, herewith transmitted, will cast some light upon the subject—relative to the arrangement entered into between the secretary and Legislative assembly.

These two acts, and those refer[r]ed to in my communications to the Legislature, will present to the Department every act passed by the Legislative Assembly that was not approved by the Executive.

As far as I have been enabled to judge of the *cause* of opposition to my administration, it has grown out of my recommendation to the Legislature to use economy in the expenditures of public funds, and my advice to them not to exceed in their expenditures, the appropriations made by Congress, together with my declaration to nominate no man to office who was given to habits of gambling, intemperance or of known bad moral character.

A common opinion appears to prevail among the mem bers of the Legislature and expressed by them without reserve, that, as the U. S. pays the expences of the Territorial government, the greater the expenditure the better for the Tery. to this opinion I dissent—I believe that we should be controlled, in our disbursments of money appropriated by the U. S. by the same strict rules of economy that should govern us in the disbursements of private funds,

or of funds drawn directly from the people, and I am satisfied that the greate body of the people of the U. S. are with me in this opinion.

I have had a most ardious and unpleasant duty to perform in organizing the Territory. I left my home on the eighth day after I recei'd notice of my appointment

On my arrival in the Territory, I found that Secy Conway had *assumed* the executive prerogative, had issued a proclamation dividing the Territory into Judicial Districts, and was about issuing a proclamation apportioning the Representatives and ordering an election. He handed me the draft of his Proclamation and left for Davenport in less than an hour after my arrival at Burlington. Subsequently, he has not only done nothing to render me assistance, but, *is generally believed to be the prime mover of the opposition to my proceedings, and the author* of the documents forwarded to Washington by the members of the Legislature —and I can briefly state if Mr. Conway has performed any duty as Secretary of the Territory further than his connection with the Legislative Assembly it is unknown to me. I know that he has not made up a page of Executive record; neither do I believe that he has recorded the certificates of the oaths of the Territorial office[r]s, as required by the organic law. He appears to consider his "*Department*" as he styles it—intirely independent of the Executive—He has not been at this city since the adjournment of the Legislature, the day following the adjournment he sent off (unknown to me) all the *Legislative Acts of the last session le*[*a*]*ving no record of them at the seat of Government*, he is now at Dav-

enport, and I presume has the acts of the Legislature with him.

In conclusion I will remark that since I have been in the Territory I have been compelled to perform *both* the duties of Executive and Secy as far as, the duties of Secy were connected with the Executive Department.

I have just completed the organization of the Territory and transmitted commissions to the various officers of the Territory without any assistance from the Secy

I have made the foregoing statements for the purpose of enabling the President to form a correct opinion relative to the difficulties I have had to contend with, and the interruptions thrown in the way of my administration.

I feel a con[s]c[i]ousness of having thus far faithfully performed the duty entrusted to me by the President, in accordance with the avowed principals of his administration —and shall continue to do so under the Protection of Providence, so long as the Executive duties of the Tery are entrusted to me.

With sincere respect
I have the honor to remn
Your Obt Sert
Robert Lucas

Hon John Forsyth
Secy of State of the
U. S. Washington City.

[*Recorded by Y*——]

Executive Department Iowa Territory
Burlington March 20th 1839—

Dear Sir,

By last mail I received your communication of the 16th ult. enclosing copies of a communication, and memorial from the Legislative Assembly of Iowa, with a request that I would communicate to the Department such information, as I had to offer in answer to the allegations in the Memorial=

On the 12th Inst. I transmitted to the Department a communication in answer to the memorial transmitted by certain members of the Legislative Assembly bearing date the 12th of January. The allegations in which I perceive to be substantially the same as those in the memorial of the Last Legislature, transmitted to me. With my communication of the 12th Inst. I transmitted copies of all my correspondence with the Legislative Assembly, during its session to which I particularly refer you, as a refutation of the allegations in the memorial of the Legislative Assembly, as well as those contained in the memorials of certain members of the Legislative Assembly of the 12th of January 1839 I shall in a short time transmit to the Department, a more special answer; together with a brief history of the proceedings of the Legislative Assembly in connection with the proceedings of the Secretary of the Territory.

With sincere respects, I am

Hon. John Forsythe Secretary
State United States

Your Obt. Servt
Robert Lucas

I transmitted Copies of all my Correspondence with the Legislative Assembly during its Session to which I particularly refer You as a refutation of the allegations in the Memorial of the Legislative Assembly, as well as those Contained in the Memorials of Certain Members of the Legislative Assembly of the 12th of January 1839 I shall in a short time transmit to the Department a more Special Answer: together with a brief history of the Proceedings of the Legislative Assembly in Connection with the Proceedings of the Secretary of the Territory

With Sincere Respects I am
Your Obt. Servt
Robert Lucas

Hon. John Forsythe Secretary
State United States

[*Recorded by X*_____]

Executive Department I. T
Burlington April 29. 1839

To the Hon.
Levi Woodberry
Sec^{y} Treasury U S.

Sir,

I herewith transmit a certified copy of an act of the Legislative Assembly of the Territory of Iowa, approved the 25th of January 1839—entitled "an act to provide for the erecting a Penitentiary and establishing and regulating Prison disciplin[e] for the same"—together with a copy of the report of the board of Directors appointed under the provisions of said act.

By this act it will be perceived that the Legislative Assembly has applied the Twenty thousand Dollars appropriated by an act of Congress—approved July 7th 1838, for erecting public buildings in the Territory of Iowa to the erection of a Penitentiary. [(]See act of Congress 2^{d} session 25th Congress top of page 113.)

In the 5th section of the act of the Legislative Assembly of the Territory it is made the duty of the Governor to draw from the Treasury of the United States the said appropriation and to pay it over to the superintendent provided for in said act for the purposes therein specified. In discharge of the duty enjoined on me by the 5th section of the act of the Legislative Assembly of the Territory, and in compliance with the request of the board of directors appointed under the provisions of said act (copies thereof accompany this

communication and to which I solicit the particular attention of the Treasury Department) I have to request that a warrent or draft on the Receiver of Public Monies at this place, or on the Bank at St. Louis may be transmitted to me for Twenty thousand Dollars the amount of the appropriation specified in the act of Congress of the 7th of July 1838 for public buildings in the Territory of Iowa.

In making the foregoing requisition I think it proper to state that in the 13th section of the act of Congress entitled "an act to divide the Territory of Wisconsin and to establish the Territorial government of Iowa"—approved 12th of June 1838—the sum of twenty thousand Dollars is granted to the Territory *to defray the the expenses of erecting public buildings at the seat of government*—and under the provisions of the late act of the Legislative Assembly establishing the seat of government for the Territory it will become my duty after receiving the Report of the Commissioners appointed to locate the perminat[1] seat of government for the Territory (who meet for that purpose next month) to draw on the Treasury of the United States for this appropriation of $20,000 to be paid to the Commissioners appointed to superintend the erecting of public buildings at the seat of government.

In the 5th section of an act of Congress "To provide for the support of the Military academy of the United States for the year 1838, and for other purposes, approved July 7th 1838—(see laws U. S. top of page 113) an appropriation is made in the following words—*For erecting public buildings*

[1] Permanent.—Editor.

in the Territory of Iowa Twenty thousand dollars. Our Legislative Assembly were of opinion that it would be more advantagious to the Territory to apply the last appropriation of Twenty Thousand dollars to the erection of a Penitentiary (considering it to come under the character of a public building in the Territory of Iowa) than to apply both appropriations to the erection of public buildings at the seat of government.

The foregoing are the reasons why the two appropriations will be applyed for at different periods and under different Legislative acts. Should any objections arrise to paying these two appropriations in the manner requested by the Legislative Assembly in the several acts as above explained I would be thankful to receive the views of the Treasury Department on the subject.

With sincere respects,
I am Your Ob[t] Ser[t]
ROBERT LUCAS

[*Recorded by Governor Lucas*]

Executive Department Iowa Territ[or]y.
Burlington May 14th 1839

Sir,

Your letter of the 4th ultima, acknowledging the receipt of my letter of the 12th of March; and the papers therewith transmitted has been duly received. In my communication of the 20th of March, I stated that I would transmit to the

Department, a more special answer to the memorial of the Legislature together with a brief history of the proceedings of the Legislative Assembly, in connection with the proceedings of the Secretary of the Territory. As an answer to the memorial of the Legislative Assembly, (a copy of which you transmitted with your letter of the 16th of February last) and a history of their proceedings as it relates to the subject. I would respectfully submit to the consideration of the President, in addition to these documents transmitted with my communication of the 12th of March, the Protest of the minority of the House of Representatives, (marked A) also a copy of a Remonstrance forwarded to the President of the United States, by said minority, (marked B) Together with a memorial signed by sundry citizens of the Territory, concurring with said minority in their remonstrance (marked C) (Sundry copies of the document last referred to, I understand have been forwarded to the President of the U. S., by the citizens, from various parts of the Territory). To all of which, I would most respectfully solisitee the attention of the President,, and request that they may be filed in the Department of state, with those transmitted with my communication of the 12th of March last. The documents herewith transmitted contains a correct statement of facts, as they stand connected with these extraordinary proceedings of the Territorial Legislature, and the sentiments of the great body of the people of the Territory, as expressed in their memorials on that subject.

The Secretary of the Territory, is still absent from the seat of government, and no attention has yet, been paid by

him, to any duty, connected with the Exécutive department of the Territory.

With sincere respect
I am your
obent servt
ROBERT LUCAS[1]

Hon JOHN FORSYTHE
Secretary of State U. S

[*Recorded by Governor Lucas*]

Executive Department Iowa Territ[or]y
Burlington May 18th 1839.

Gentlemen,

I have examined the Petition signed by you and numerous other citizens of Lee county set[t]ing forth that James Fike had been tried and convicted at the April Term of the District court in said county for an assault with intent to kill, and that the court had sentenced him to pay a fine of two hundred and fifty Dollars, and praying that the Executive might exercise the pardoning power, and that said fine might be remit[t]ed (one of the petitions prays that a part of said fine may be rem[it]ted) The pardoning power, is one of the most dilicate, and responsible, powers that has ever been confer[r]ed upon any public functionary. It should be used with the greatest degree of caution, and never exercised but where the case presented comes beyond a doubt, within the class embraced in the grant of Executive power, and one in which by the sentence of the law, injustice had been done

[1] Autograph signature.—EDITOR.

to individuals, that could not be remedied by the Judicial tribunals of the country. In the 2[d] section of the Organic law defining the powers of the Executive of the Territory it is declared that "the Governor, may grant pardons for offences against the laws of the Territory, reprieves for offences against the laws of the United States, until the decision of the President can be made known thereon;" "*and shall take care, that the laws be faithfully executed.*"

I hold it as correct doctrine, That public functionaries should never exercise a doubtful power. In the present case, the power to grant reprieves and remission of fines imposed for offences, under the laws of the Territory is not granted to the Governor, if he interferes with the sentence of the court, under the Territorial law, it must be by pardon generally.

If we admit that the general term *Pardon* by a liberal construction, might, be applied to all classes of offences under the Territorial laws, what would be the consequences of such executive interference? Would it not conflict with the positive duty enjoined on him, "*To see that the laws be faithfully executed.*"

The case presented in your petition may be a meritorious one, yet it is not, such a case as in my opinion would justify the executive interference with the sentence of the court. Neither should I consider myself, justified, either by expediency or express grant of power, to interpose the executive authority, to check the operation of the laws, where the sentence of the court, only extended to a pecuniary fine. As the Territorial laws have not yet come into my possession, I have been unable to learn their provisions, but pre-

sume that they are founded upon the same principles of the laws of the states generally—I should suppose, that the penalty imposed, for offences against the laws of the Territory accrued to the benefit of the county in which the offence was committed, and that the county commissioners who are the agents of the county, would have a right to remit fines, in cases where they might be considered unjust, or unreasonable; This I know is the case in some of the states, but not having as yet had an op[po]rtunity of exam[i]ning the laws of the Territory, I do not know that such provisions are contained in them. The county commissioners, as agents of the people in their respective counties, are in my opinion the most proper tribunal to be vested with the power, to remit pecuniary fines that may accrue to the benefit of their respective counties.

Under my present impression I should not consider myself justifiable in interfering with the sentence of the court, in any case, when a pecuniary fine only, was imposed for a violation of the penal laws of the Territory.

You gentlemen, on a proper examination of the subject, will at once perceive the impropriety of the Executive interfering, in the case presented in your petition, or any other case, where a pecuniary fine only, may be imposed, by the court, for a violation of the penal laws.

Messr.

HENRY ENO
J. B. BROWN
B. W. GILLOCK
E. GUTHRY, and others

With Sinc respect I am
your obend svt
ROBERT LUCAS[1]

[1] Autograph signature.—EDITOR.

[*Recorded by Governor Lucas*]

Executive Departm[e]nt Iowa Terr[i]t[or]y,
Burlington June 15th 1839

Hon Jesse Miller,
first Auditor of the Treas[ur]y of the U. S.
Sir,

You are hereby notified, that I will draw on the Treasurer of the United States, for my Quarter Salary, as Governor of the Territory of Iowa in favour of the Receiver of Public monies, of the Land office at Burlington Iowa Territory, from time to time as it becomes due, until otherwise directed. A Duplicate of this letter has been handed to the Receiver at his office.

with sincere respect
I am your obt
Servant
Robert Lucas[1]
Gov. of Iowa Territ[or]y.

[*Recorded by Governor Lucas*]

Executive Department Iowa Territ[or]y
Burlington July 4th 1839.

Sir,

I herewith transmit an amount current of the monies received, and paid by me, for Contingencies in the Territory of Iowa, for the year ending the 3rd of July int. The 11th

[1] Autograph signature.—Editor.

section of the Organic laws, declares that there shall be appropriated, annually, the sum of three hundred and fifty Dollars, to be expended by the Governor to defray the contingent expences of the Territory. The amount paid by me, as will be seen by the amount currant, Transmit[t]ed, is $55.81 ¼. more than the amount of the appropriation for the last year. The expenditures you will perceive, has been for maps, office furniture, Rents and fuel, which were indispensible in the commencement of business, in this new Territory.

You will be pleased, to transmit to me, as soon as convenient, a Draft on the Receiver of Public monies at this place, for $350 the amount appropriated for contingencies, for the ensuing year.

Vy respectfully
Your obedt
servt
ROBERT LUCAS[1]

Hon LEVI WOODBURY
Secretary of the Treasury
United States.

[*Recorded by Governor Lucas*]

Executive Department Iowa Territory
Burlington July 4th 1839.

Sir

Your communication of the 20th May last in reply to

[1] Autograph signature.—EDITOR.

my letter of the 29th of April relative to the payment of the appropriation made by Congress for erecting Public buildings in the Territory of Iowa was duly received, and a copy transmit[t]ed to the Directors appointed under the laws of the Territory to superintend the erecting of a Penitentiary: also a copy was forwarded to the commissioners appointed in the act of the Territory, establishing the permanent Seat of Government of the Territory, and their attentions severally directed to the act of Congress, approved 31st of January 1823, as refe[rr]ed to by your letter.

Both boards (as far as I can learn) are satisfied with the manner of disbursing the appropriations suggested in your letter, and will draw for the funds monthly as the work is performed, and materials furnished. The superintendents of the works, that have been appointed by the Legislature, are unacquainted with the mode of transacting business with the United States. If they could be furnished with the necessary forms of accounts, and Drafts, such as would be approved by the Department, it would be a great accomodation to them.

Very respectfully
your obed[i]ent
servant
Robert Lucas[1]

Hon Levi Woodbury
Secretary of the Treasury
United States.

[1] Autograph signature.—Editor.

[*Recorded by Governor Lucas*]

Executive Department Iowa Territ[or]y

Sir, Burlington July 9th 1839.

I received your letter of the 8th ultimo. informing me, that you had transmit[t]ed by mail 36 copies of the laws of the United States, for the use of this Territory, Third session 25th Congress; and requesting me when received to inform the Department thereof.

In compliance with your request, I acknowledge that the same has this day been received at the Post office in this city.

Vry respectfully your obt Sert

Hon. JOHN FORSYTHE ROBERT LUCAS.[1]

Secretary of State U S

[*Recorded by Governor Lucas*]

Executive Department Iowa Territ[or]y

Sir, Burlington July 9th 1839,

By a late act of the Legislature of this Territory it is made the duty of the Governor to procure for the use of the officers of the Territorial militia a competent number of Books containing the system of instructions and regulations adopted for the government of the army, of the U. S. (*But made no appropriation of funds for the purchase of such books*). I have examined various works on the subject, and have been lead to give the preference to the system of instructions and reg-

[1] Autograph signature.—EDITOR.

ulations recently compiled by *Brevet Captain Cooper*, under the supervision of *Major General Alexander Macomb*, as being the best elimentary work extant, and well adapted to the use of the militia. I would therefore respectfully inquire whether we could be furnished by the war department with a sufficient number of these for the instruction of the officers of our Territorial militia. We have not yet completed our militia organization. The Territory is divided into three Divisions, Six Brigades, and Twelve Regiments The General and Field offic[e]rs, have all been appointed, and commissioned, and some of the Regiments have completed their company organization, and the others are progressing, and I trust will soon all be completed. The Regiments may not at this time contain a full compleme[n]t of men yet I have reason to believe they will in a short time (by the unparalleled flow of emigration into our Territory) be filled. We have in this Territory two companies of Dragoons organized and several companies of Light troops, but they are without arms and accoutrements. Could we be furnished with a few hundred stands of Halls Carbines, Horsemens Pistols, Sabres, Rifles, and the various accoutrements, and munitions of war—necessary to enable us to defend ourselves in case we should be exposed to depredations from the neighboring Indian tribes, it would add much to our security. We are at present in a very defenceless situation, in this Territory, our entire western frontier is exposed from St. Peters on the Mississippi to the Council Bluffs on Missouri, and no public arms or mun[i]tions of war within our reach, or none nearer than Prairie De Chien, which is

at the north point of our settlements and too remote to be of any service to us. Could we be furnished with a sufficient supply of arms and munitions of war, I am satisfied that with a proper organization, of our Territorial militia we would be able to defend ourselves against the depredations from Indians. I would therefore, most respectfully suggest to the consideration of the War Department, the propriety of establishing within the Territory at some central point on the Mississippi a Depot of Public arms and military stores sufficient for the supply of the militia of the Territory in case of need—The restless feelings manifested by many of the tribes of Indians on our North Western frontier should in my opinion admonish us to be prepared, for any and every emergency. I would be thankful to receive the views of the Secretary of War on these subjects, and shall at all times hold myself in readiness to cooperate with the Department, in every measure that may be adopted to secure the peace and safety of our frontier—

Vry respectfully

Hon J R Poinsett
Secret[ar]y of War, U. S.
Washington City.

your obt servt
Robert Lucas[1]

[1] Autograph signature.—Editor

[*Recorded by X*_____]

PROCLAMATION.

SALE OF LOTS IN THE SEAT OF GOVERNMENT OF IOWA TERRITORY.

In pursuance of the act to locate the seat of Government of the Territory of Iowa, and the act supplimentary thereof, approved Jan. 21. 1839. and in compliance of the acting commissioner appointed under the provisions of said act, dated Iowa [City] July 17. 1839, I ROBERT LUCAS, Governor of the Territory of Iowa, do hereby proclaim and make known, that there will be offered for sale, at two public sales, to be held in the City of Iowa, situate[d] on the Iowa river, in the county of Johnson in said Territory, the first to commence on 3rd Monday of August, and the second on the first Monday of October next ensuing the date thereof, the following described lots, in the city of *Iowa*, the seat of Government of said Territory, towit:—

No. of Blocks as divided in the plat of the city.	No. of lots in each Block to be offered at the first sale.	No. of lots in each Block to [be] offered at the second sale.
Block No. 100	Lots No. 1 & 3	Lots No. 2 & 4 –
" 99	" " 3, 5, 8	" " 1, 6, 7 –
" 98	" " 4, 5, 7	" " 2 8 –
" 97	" " 3, 6, 8	" " 1, 7 –
" 96	" " 4, 6, 8	" " 2, 5 –
" 95	" " 2, 6, 8	" " 1, 3, 7 –

"	92	"	"	2,	5,	7	"	"	3,	4,	6 –
"	91	"	"	3,	5,	8	"	"		4,	7 –
"	90	"	"	1,	4,	6	"	"	2,	3,	5 –
"	89	"	"	1,	4,	8	"	"	2,	3,	5 –
"	86	"	"	2,	5,	8	"	"	1,	4,	7 –
"	85	"	"	3,	5,	8	"	"	2,	4,	6 –
"	84	"	"	1,	4,	7	"	"	2,	6,	8 –
"	83	"	"	1,	3,	7	"	"	2,	5,	8, –
"	82	"	"	–	4,	7	"	"	1,	2,	5 –
"	81	"	"	1,	3,	6	"	"		2,	7 –
"	80	"	"	1,	5,	7	"	"	2,	4,	8 –
"	79	"	"			8	"	"			
"	78	"	"	2,	5		"	"	1,	4,	7 –
"	77	"	"	5,	7	–	"	"	2,	6,	8 –
"	64	"	"	4,	7		"	"	1,	3,	5 –
"	65	"	"	1,	6		"	"		3,	6 –
"	66	"	"	4			"	"			
"	67	"	"	4			"	"			
"	68	"	"	4,	7		"	"	2,	5,	6 –
"	69	"	"	5,	7		"	"	3,	4,	8 –
"	63	"	"	4,	7		"	"	2,	5,	6 –
"	92	"	"	1,	6		"	"	3,	4,	7 –
"	61	"	"	1,	3		"	"	4,	6,	8 –
"	59	"	"	6,	8		"	"		4,	7 –
"	58	"	"	5,	7		"	"		3,	6 –
"	57	"	"	4,	5		"	"		2,	6 –
"	56	"	"	3,	5		"	"		4,	6 –
"	55	"	"	4,	6		"	"		1,	7 –
"	54	"	"	1,	3		"	"		4,	7 –

Block No. 51	Lots No. 2 & 4	Lots No. 1 & 3 –
" " 52	5, 6, 7, 8	———
" " 63	5, 7	6, 8
" " 50	2, 4	1, 3
" " 49	2, 4	1, 6
" " 48	1, 3	2, 5
" " 60	2,	4
" " 44	2, 4	1, 3
" " 45	6	5, 7
" " 39	—	6, 1
Out Lots ———	———	Blocks no. 25,30,31–

The sale will be conducted under the direction of the commissioners appointed under the provisions of the aforesaid act, and the terms of the several sales will be made known by them, at the commencement of the sale.

In testimony whereof, I, Robert Lucas Governor of the Territory of Iowa, have hereunto subscribed my name, and caused the great seal of the Territory to be hereunto affixed.

Done at the city of Burlington, in the Territory of Iowa, this 25th day of July, in the year of our Lord one thousand Eight hundred and thirty nine, and of the Independence of the United States of America, the sixty fourth.

ROBERT LUCAS

July. 27. 1839.

[*Recorded by X*_____]

To His Excellency Robert Lucas Governor of Iowa Territory.

Sir,

In the opinion of the undersigned, Commissioners at the seat of Government for the Territory of Iowa, the public interest would be subserved by offering two or three additional lots in Iowa City after the sale, in pursuance of your proclamation of the 25th July has closed this day; and we therefore recommend to your Excellency to issue your special Proclamation for that purpose.

(Signed) C. Swan, John Renolds[1] } Comrs

[*Recorded by X*_____]

To all whom it may conserne;—

Be it known that in compliance with the foregoing request of the commissioners—I, Robert Lucas Governor of the Territory of Iowa do hereby Proclaim and make known that the aforesaid commissioners are hereby authorized to offer at public sale at such time as they may deem expedient previous to the close of the present sale, in addition to those already included in my proclamation of the 25th of July 1839, any three lots in the city of Iowa to be selected by the said commissioners and duly returned in the list of lots sold, with those included in the original Proclamation.

[1] Should be Ronalds.—Editor.

In testimony whereof I have hereunto set my hand at the city of Iowa, in the territory of Iowa this 21st day of August 1839.

(Signed) Robert Lucas—

[*Recorded by X*——]

Proclamation

By the Governor of Iowa Territory.

Whereas, it has been officially communicated to the Executive Department of this Territory of Iowa, by the county commissioners of Van Buren county, in said Territory, that certain individuals, under pretence of authority derived from the state of Missouri, have recently been assessing the property of citizens of the United States residing within the authorized limits of said county of Van Buren, in the Territory of Iowa, with a view to enforce the collection of taxes from them under pretended authority of the state of Missouri, and thereby obtain a surreptitious jurisdiction over a portion of the citizens of the United States residing in the said county of Van Buren, and within the rightful jurisdiction and organized limits of the Territory of Iowa, as organized by the act of Congress "*To divide the Territory of Wisconsin and establish the Territorial Government of Iowa,*" approved 12th of June, 1838: And whereas, an act originally passed by the Legislative Council of Michigan, approved the 12th of Feby 1835, was adopted as a law of Wisconsin, previous to the division of

the Territory, and by the 12th section of the organic act of Congress declared to be in full force & effect in the Territory of Iowa, entitled An act to prevent the exercise of a foreign jurisdiction within the limits of the Territory.

"Section 1. Be it enacted &c that if any person shall exercise or attempt to exercises any official functions, or shall officiate in any office or situation within any part of the present jurisdiction of this Territory, or within the limits of any of the counties therein, as at this time organized by virtue of any commission or authority not derived from this Territory or under the laws of this Territory, or under the Government of the United States; every person so offending shall, for every such offense, on conviction thereof before any court of record be punished by a fine not exceeding one thousand dollars, or imprisoned at hard labour not exceeding five years, or both, at the discretion of the court.

"Sec. 2. Be it &c That if any person residing within the limits of this Territory, shall except of any office of trust from any state, or authority other than the Government of the United States, or this Territory, every person so offending shall be fined not exceeding one thousand dollars, or imprisoned five years, at the discretion of the court."

And whereas, it is declared by the organic law to be the duty of the Executive—["]*to take care that the laws be faithfully executed*," I, therefore, in discharge of the duty imposed upon me by the constitution and laws of the United States, as well as the laws of this Territory, do hereby proclaim the, *Act to prevent the exercise of a foreign jurisdic-*

tion within the limits of this Territory as aforesaid, to be in full force and effect, within the organized boundary of the Territory of Iowa; and admonish all persons, upon their peril, to desist from exercising any official function, or from officiating or attempting to officiating or attempting to officiate, in any office, or situation whatsoever, within any part of the jurisdiction of this Territory, or within any of the counties therein as at present organized, by virtue of any commission or authority not derived from this Territory, or under the laws of this, or under the Government of the United States. And I do likewise admonish all persons residing within the limits of this Territory, to desist from the acceptance of any office of trust from any state, or authority, other than the Government of the United States or the Territory of Iowa. And I do hereby enjoin upon the district attorney of the United States, the district P[r]osecutor, of the first judicial district of the Territory, all sheriffs, constables, Justices of the Peace, and other peace Officers, within the several counties of this Territory, bordering on the state of Missouri, to be vigilant, in protecting the inhabitants of the Territory, in all their rights, against encroachments, and to be careful that the laws of the United States, and the laws of this Territory to be respected, enforced and faithfully executed, within the present organized boundaries of the Territory; and that through the instrumentality of regular judicial process, they cause all persons, that may be found within the Territory of Iowa, voilating or attempting to voilate any of the provisions of the act as aforesaid ("to prevent the exer-

cise of a foreign jurisdiction within the limits of this Territory,") to be arrested and brought before the proper judicial tribunal within this Territory, to be delt with according to law. And I do most earnestly exhort all officers and citizens to be prompt and vigilant in the discharge of their various duties, but at the same time, to be circumspect in all their actions, and under no circumstance, to permit themselves to become the aggressers, or to act against the citizens or authorities of Missouri, without the aid of civil process, duly obtained from the proper judicial tribunals of this Territory, or the United States; and in all cases to act in strict obedience to the command of such civil process—for in whatever form an encroachment may be made on the jurisdiction of the United States, in this Territory the only proper mode of restraining and correcting it is through the instrumentality of judicial tribunals. And it seems to me that we would be doing injustice to the enlightened discretion of the public authorities of the state of Missouri, to suppose that they would persist in their attempts to exercise jurisdiction within the present organized boundaries of Iowa, while Congress has the boundaries before them, and will, in all probability, settle it deffinitly at their next session. Should we, however be disappointed in our expectations, as to the pacific disposition of the public authorities of Missouri, and they attempt to enforce an exercise of Jurisdiction within any part of the present organized boundaries of our Territory, there is but one path of duty pointed out to us—and that is, to mentain the jurisdiction of the United States over the full extent of this Territory, as it was trans-

fered to us by the United States at its organization, and to resist by the potent arm of the civil authority, every encroachment, upon our jurisdiction, until the boundary line be diffinitely settled by Congress, or altered by authority of the United States. This duty cannot be dispensed with by the civil authority of the Territory of Iowa, and the attention of all who may be required to act in the premises are solicited to the following suggestions from such acts of Congress as may be brought to bare on the subject. The act of Congress for the punishment of certain crimes against the United States, provides—"That if any person or persons, shall knowingly or wilfully, obstruct, resist or oppose any officer of the United States in serving or attempting to serve or exercise any process or warrent, or any rule or order of any of the courts of the U. S. or *any other legal or judicial writ or process whatever*, or shall assault, or beat or wound any officer, or other person duly authorized in serving or executing any writ, rule, order, or process or warrent aforesaid, every person knowingly and wilfully offending in the premises, shall on conviction thereof be imprisoned not exceeding twelve months, and fined not exceeding three hundred dollars."—The obstruction by unarmed individuals, either singly, or in numbers, of the process and orders issued and made by the Officers of Iowa, would probably be reached by this law. An attempt by a military force actually embodied to suppress the jurisdiction of the Territorial Officers acting as they do under the laws of the United States, within the present organized boundaries of the Territory of Iowa, would expose the parties concerned to criminal prosecutions of a still more serious character.

The laws of the U. S. also provides, that when the civil power is obstructed by combinations too powerful to be resisted by the ordinary civil authority, the evidence of the fact shall be laid before the President, and if he deems it sufficient, a proclamation shall issue, and such measures may be adopted as he may deem expedient, to enforce an execution of the laws of the United States, and to mentain the integrity of the Constitution.

If therefore the service of civil process should be resisted by an armed force, or combination too powerful to be resisted by the ordinary civil authority, the sheriff, constable or other officer, who may have the civil process in possession at the time of such resistance, are required to take written evidence of the facts as they relate to such resistance, and report the same to this Department, to be transmitted to the President of the United States for his consideration and instructions.

In testimony whereof, I, Robert Lucas, Gov-
L S ernor of the Territory of Iowa, have [here]-
unto set my name, and caused the SEAL of the
Territory to be hereunto affixed.

Done at the city of Burlington, in the Territory of Iowa, this twenty ninth day of July, in the year of our Lord one thousand eight hundr[e]d & thirty nine, and of the Independence of the United States of America, the sixty fourth.

(Signed) ROBERT LUCAS.

[*Recorded by Governor Lucas*]

Executive Department Iowa Territory
Burlington September 14th 1839.

Sir

I have the honor herewith to transmit to you a certificate of the Superintendent of the Penitentiary authorised to be erected in this Territory—certifying the amount of labour performed and materials furnished up to the 9th Instant, also an estimate of the sum required for the next sixty days amounting in the whole to $5,877, which certificate and estimate is approved by a Majority of the Directors, as will appear by the endorsement thereon—I therefore in compliance with their request respectfully request that you cause to be issued in the name of *Amos Ladd* the Superintendent, of said Penitentiary a check on the Receiver of Public monies at this place, or on the State Bank of Missouri—to be paid out of the appropriation of $20.000, appropriated for erecting public buildings in the Territory of Iowa, which will be found, in the 5th section, of the Act entitled "An Act to provide for the support of a Military Academy, of the United States, for the year eighteen hundred, and thirty-eight, and for other purposes" approved 7th of July 1838. (See laws of the U. S. top of page 112) I also transmit a letter from the Directors of the Penitentiary addressed to the President of the U. S. with a request that you would lay the same before him. I trust that the letter of the Directors may be considered satisfactory, to the Treasury Department, and that the appropriation of $20,000, above

referred to, may be drawn in accordance with their wishes—

With sincere respects
I am Sinc your
Vy obend servant

Hon Levi Woodbury
Secretary of the Treas[u]ry U S
Washington City

Robert Lucas[1]

[*Recorded by Governor Lucas*]

Proclamation

By the Governor of Iowa Territory in reply to the Proclamation of the Governor of the State of Missouri of the 25th of August, 1839. Whereas a document has recently appeared in the public prints bearing the name of the Governor of the State of Missouri, and purporting to be a *proclamation* issued by him under the Seal of the said State and bearing date the 23rd day of August 1839, in which docu ment the Governor of Missouri after taking a superficia view of my Proclamation of the 29th of July last enters into a laboured effort to impress upon the public mind the belief, that the public authorities of the Territory of Iowa are attempting an encroachment upon the jurisdiction of the State of Missouri, and are desirous of extending their jurisdiction within the rightful boundaries of that State: with a view to remove erroneous impressions, by placing the facts before the citizens of the United States as they really exist,

[1] Autograph signature.—Editor.

I have deemed it my duty to enter into a public examination of the Proclamation of the Governor of Missouri, and to present to the consideration of the citizens of the United States such facts as must convince every unprejudiced mind that it is the State of Missouri, that is aiming at an extension of Jurisdiction and that the authorities of the Territory of Iowa are only exercising jurisdiction to the line that has from the organization of the State of Missouri till within a very recent period been acknowledged by that State as her northern boundary line; and which line has been regarded by sundry acts of Congress and Indian treaties as the northern boundary of Missouri, and to which line the Territory of Wisconsin previous to the division of the Territory, and subsequently the Territory of Iowa have always under the authority of the United States exercised an uncontrol[l]ed jurisdiction— In taking a view of the subject I deem it improper to enter into a general discussion of the boundary question, as that is a matter that rests entirely between the United States, and the State of Missouri.

By the 4th article of the Constitution of the United States, Congress has the power to dispose of, and make all needful rules and regulation, respecting the Territory, and other property of the United States—On the 18th of June 1838 Congress passed "An act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa, to be ascertained and marked"—Commissioners were appointed under the provisions of this act (Missouri declining on her part to appoint a commissioner) and have made report to Congress on the subject, which

report now awaits the final decision of that body, who, alone, has the constitutional right to decide the question and to settle definitely the southern boundary of this Territory. With its decision the authorities of Iowa will be satisfied; but until this decision is made, the Territory of Iowa, acting under the authority of the United States can acknowledge no other boundary line than the one to which the Jurisdiction of the United States through their territorial officers, has ever been exercised from the time the country west of the Mississippi river, and north of the State of Missouri, was by an act of Congress attached to the Territory of Michigan for Judicial purposes, until the present time.

I will now examine the claims of Missouri as set forth by the Governor in his Proclamation, and compare them with sundry official documents, and appeal to the calm tribunal of *Public Opinion* to determine whether it is not the *State of Missouri that is attempting an encroachment upon the Territory of the United States*, rather than the United States through their territorial authoriti[e]s, upon the *rights of that state.*

The Governor of Missouri after a *BOLD* assertion "That the Territory of Iowa is now seeking to extend an unwarrantable and unauthorized jurisdiction over a portion of territory which by the terms of admission of the State of Missouri into the confederacy has been and still is subject to the authority of that State," proceeds as follows to wit: "Whereas by an act of the Congress of the United States entitled "an act to authorize the people of the Missouri Territory to form a constitution and State Govern[m]ent,

and for the admission of such state, into the Union, on an equal footing with the original states, and to prohibit slavery in certain Territories." Approved March 6th 1820. The Territory of the State of Missouri has been set forth, prescribed and forever ceeded by the United States to said State, as the same is declared, to be included, within the following boundaries to wit:—Beginning in the middle of the Mississippi river on the parallel of 36 degrees of north latitude; thence west along that parallel of latitude to the St Francis river; thence up and following the course of that river in the middle of the main channel thereof to the parallel of latitude of thirty six degrees and thirty minut[e]s, thence west along the same, to a point where the said parallel is intersected by a meredian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river; thence from the point aforesaid north along the said meridian line to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, *making the said line to correspond with the Indian boundary line;* thence east from the point of intersection last aforesaid, along the said parallel of latitude to the middle of the main channel, of the main fork, of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river, thence due east to the middle of the main channel of the Mississippi river, thence down and following the course of the Mississippi river in the middle of the main channel thereof to the place of Beginning—Which said boundaries have been ratified by and incorporated into the Constitution of that State"—To

the foregoing quotation we have no objection; it is a description of the boundaries of the State of Missouri, as defined in the Constitution of that State. . (with the omission of the following words, which are found in the Constitution after the words "*chan[n]el of the main fork of the said river Des Moines*" viz—*Thence down and along the middle of the main channel of the said river Des Moines.*") But to the construction given to it by the Governor of Missouri, and the conclusion drawn by him as to the right of Missouri to construe it to suit her own conven[i]enc[e] and to extend her boundary into the territory of the United States, without the assent of the General Govmt, as well as her *gratuitous* assertions "*That the Territory of Iowa is now seeking to extend an unwarranted and unauthorized jurisdiction*" I do *entirely and unequivocally dissent;* and I think neither the Governor of Missouri nor any other public functionary in that state, will seriously assert that Missouri ever claimed jurisdiction north of the line commonly known as Sullivans line until 1837. . or that they ever attempted to exercise jurisdiction north of that line, until the late surraptitious, attempt, under the Missouri act of the 16th Febry 1839, by assessing the property of citizens, of the United States residing north of said line and of which notice was taken in my proclamation of the 29th of July last.

The act of Congress of the 6th of March 1820, and the Constitution of the State of Missouri adopted in conformity to said act, both, in defining the boundaries of the state declare that the State of Missouri shall be bounded West "by a meridian line passing through the middle of the

mouth of the Kansas river, where the same empties into the Missouri river; thence from the point aforesaid north along the said meridian line to the intersection of the parallel of latitude which passes through the rapids of the river Des Moins, *making said line to correspond with the Indian boundary line;* thence east, *from the point of intersection last aforesaid* along the said parallel of latitude to the middle of the main chan[n]el. channel of the main fork of the said river Des Moins thence down and along the middle of the main channel of the said river Des Moins to the mouth of the same where it empties into the Mississippi river; thence down and following the course of the Mississippi river in the main channel thereof to the place of beginning" —Thus we see that the State of Missouri is bounded *west* by a meridian line, passing through the middle of the mouth of *Kansas river* thence north along the said meridian line to the intersection of the parallel of latitude which passes through the rapids of the river Des Moins, *making* said line to *correspond with the Indian boundary line*"—Enquiry may be made as to the legal meaning of the word *correspond.* If we consult M[r] Webster who is generally admit-[t]ed to be good authority, we find its meaning defined as follows to wit: *To suit, to answer, to agree, to fit, to be congruous, to be adapted to;* If we give the word *correspond* either of the foregoing definitions the conclusion must be drawn that it was used as a qualifying expression, and intended to controle the parallel of latitude that was to form the northern boundary of Missouri. The term "*passing through the rapids of the river Des Moins*" is indefinite

and without a fixed point—The western line being a meridian line passing through the mouth of Kansas river was definately fixed at that point, and in running north with said meridian line would vary neither east or west, but was governed in its extention north by a corresponden[ce] with the Indian boundary line and an intersection of the parallel of latitude passing through the rapids of the river Des Moins. The enquiry may here arise, as to the locality of the line known at the time of the passage of the act of Congress; and the adoption of the constitution of the state of Missouri, as the *Indian boundary line*—By reference to the history of that period it appears, that in 1816 some years before the admission of the state of Missouri into the Union, M^{r} Sullivan under the direction of the Survey[or] General of Missouri, Genl W^{m} Rector, run the line that has been always since that period known as *Sullivan's line, or the old Indian boundary line.* This line commenced at the mouth of Kansas river and ran with the Meridian line north one hundred miles, from the mouth of that river, and from thence east to the river Des Moins. From some cause—probably an omission to adjust the compass, while running the line—the line run by M^{r} Sullivan has been found to strike the Des Moins river several miles north, of a due east line run from the termination of the Indian boundary, one hundred miles north of Kansas river. The line however, known as Sullivan's line has been acknowledged by the authorities of Missouri and the United States as the northern boundary of the State of Missouri; and if the Governor of Missouri will turn his attention *to the map of his own State,*

published by Brown & Bancroft a few years after the admission of Missouri, into the Union, and while all the localities of the places refer[r]ed to in the act of Congress, and Constitution of Missouri, were properly understood, he will find, that Sullivan's line, is laid down, as bounding the State of Missouri, west and north,—that the North west corner of the State is placed one hundred miles north of the mouth of Kansas river, and from thence the line is run east to the river Des Moins, and down the same to the Mississippi river—that there is no place marked on the map as rapids in the Des Moins river, but that the rapids in the Mississippi above the mouth of the Des Moins river, and marked on said map as "*rapids Des Moins*" This location of the rapids, called in the constitution of Missouri "*Rapids of the river Des Moins*" corresponds with the opinion of the late Gov Clark of Missouri as expressed expressed in an official letter written by him to the Commissioner of Indian affairs Dated January 13th 1838. In this letter Genl Clark Says:—"In the year 1816 (I think it was) Col John C Sullivan was employed by the United States Surveyor General William Rector to run, and did run and mark the line which has since been marked in most if not all maps *as the western and northern boundaries of the State of Missouri*, commencing at the mouth of the Kansas river and running one hundred miles, and thence east to the Des Moins river". The language in the first article of the constitution expressly refers to so much of the line as runs *one hundred miles from the mouth of Kansas river*, and the impression was very generally prevalent, after the adoption of the State Consti-

tution that the survey of Col Sullivan was not only a part of the western, but the northern line of the state and in fact that both were synonymous with the Indian boundary line" Gov Clark further states "that as early as the year 1824, four years after the constitution was formed and when the subject of boundary was still fresh in recollection Treaties were made with the Ioways and Sacs and Foxes in which the north west corner of the state is expressly referred to: and in one of them Col Sullivan's survey is mentioned. In 1825 the Treaty with the Kansas again refers to the north west corner of the state, and as late as 1830 the same term is used in the treaty made with various tribes at Praare du Chien". The foregoing treaties referred to by Genl Clark as well as several subsequent ones concluded with various tribes of Indians to wit: the Treaty concluded by Genl Scott for the purchase of the present surveyed part of Iowa Territory, refers to the northern boundary of the State of Missouri; so does the treaty concluded with Sac and Fox Indians at Washington in 1837; also all the treaties concluded with the various tribes of Indians for the purchase of the land lying between the west line of the State of Missouri and the Missouri river, refers to the north west corner of Missouri and some of them fix this corner one hundred miles north of Kansas river. The line known as Sullivan's line has been recognized as the boundary between the Surveyor Gen[e]rals distri[c]t of Missouri and Illinois, and the Surveyor Gen[e]rals distri[c]t of Ohio Indiana Michigan and Wisconsin. All the surveys of the public lands have been governed by that line, and it has been refer[r]ed to in

all the acts of Congress creating land districts, both in Missouri and Iowa, bordering on said line, and the land over which the authorities of Missouri now wish to exercise jurisdiction was surveyed under the direction of the Surveyor General at Cincinata Ohio as lying within the boundary of Wisconsin, and returned to the Register of the land office at Burlington Iowa Territory, and by Proclamation of the President of the United States was sold at that place as lying within the Territory of Iowa, and the citizens of the United States over which the authorities of Missouri now wish to exercise jurisdiction, and to levy taxes upon them, purchased the lands on which they live from the United States as lying within the Territory of Iowa and settled upon them as such. The line that has universally been known as Sullivan's or the Indian boundary line, and which has been recognized by all the authorities as aboved cited, is the line to which the Territory of Iowa acting under the authority of the United States has heretofore exercised uninterrupted jurisdiction, and it is the line to which it intends to exercise jurisdiction until Congress declares some other line to be the boundary of the Territory— We have never pretended to exercise or claim jurisdiction south of that line, neither do we desire to do so, until the question of boundary, is definitely settled by Congress. With the foregoing incontrovertible facts presented to the calm consideration of the citizens of the United States we submit our cause to their decision and ask of them to judge between the authorities of Iowa and those of Missouri and determine from the facts in the case how far the Governor of Missouri

has been sustained in his assertion, that the Territory of Iowa is now seeking to extend an unwarranted and unauthorized jurisdiction over a portion of Missouri—whether this assertion has any foundation in truth or reason, and whether it is not on the contrary, the authorities of Missouri that are now seeking, to extend an unwarranted and unauthorized jurisdiction over a portion of the citizens of the United States residing in the Territory of Iowa— The Governor of Missouri after proclaiming the law of that state approved February 16th 1839, which appears to have passed in defiance of the act of Congress of the 18th of June 1838, authorizing the President of the United States to cause the Southern boundary line of the Territory of Iowa, to be assertained and marked, and after the commissioners appointed under the authority of the United States had made their report to Congress, assumes this Missouri law to be of supreme authority—claims the line run by the Missouri Commissioners in 1837 without the consent of the United States as the boundary—and with an air of authority, commands all officers in the State of Missouri civil and military, to hold themselves in readiness to enforce the laws of Missouri over the Territory of the United States, thus vaguely claimed by that state.— We as citizens of the United States residing in the Territory of Iowa and under the authority of the United States, consider vague all the authority, pretentions and claims of Missouri of every character and description to extend her jurisdiction north of the line known as the Indian boundary line and to which special reference is made in the constitution of that state— We

deny the right of the Legislature of any state to extend their boundaries into the Territory of the United States without the consent of Congress. We deny to the state of Missouri, the right to exercise jurisdiction of any kind north of said line— We deny the right of any foreign gov[e]r[n]m[en]t to tax the citizens of the United States residing within the organized boundaries of the Territory of Iowa, or any other interference with their rights, and consequently shall disregard any authority or pretended authority, or claim of the state of Missouri, to exercise jurisdiction within any part of the Territory of Iowa as the same was transferred to us by the United States at the time of our organization, and over which we have exercised an uncontrolled jurisdiction— We shall view all acts that may be done by the authorities, of Missouri or by individuals under pretence of authority derived from that state (north of said line as having been done without any authority, and in violation of the laws of the Territory and those of the United States, and subject to be prosecuted accordingly— Should the authorities of Missouri, in their attempt to collect taxes from the citizens of the United States within this Territory trespass upon them they will be liable to an action for damages, should they forcibly take and carry away the property of any of our citizens th[e]y will be liable under the laws of the Territory to be indicted for robbery, as well as an indictment under the law to prevent the exercise of a foreign jurisdiction within this Territory, and should they march with an armed force as indicated in the Proclamation of the Governor of Missouri, and invade our Territory, they may ultimately

find to their regret, that it is not the infant Terr[i]t[o]ry of Iowa that they are warring ag[ai]nst but that by such overt act they have levied war against the United Stat[e]s and by invading the terr[i]tory of the United States with an armed force they have subjected themselves to all the consequences of such acts of temerity— The Gov[er]nor of Missouri in the concluding paragraph of his Proclamation stat[e]s that "in fulfilling the duty imposed upon him by the constitution and laws of the state, which are so ordered that no right exists which enables the Executive to interpose its power in order to arrest, or even delay the progress of the civil authority, until such time as the causes of the present difficulty may be removed, and that no alternative is left but to carry the laws of that state into ful[l] and complete execution"— What is to be understood by the foregoing sentence? Does the Governor of Missouri wish to be understood as regret[t]ing the existence of the law that gave him no power to interpose the Executive authority to delay its progress until such time as the causes of the present difficulty may be removed? If so, why the passage of the Missouri act of the 16th of Febry 1839, in the face of the act of Congress, and after the Commissioners had submit[t]ed their report? If the Governor was individually anxious to avoid difficulty, why approve the act of Missouri that is the very cause of all the difficulty? Why the military attitude assumed by Missouri, if there was not a disposition on her part to create a difficulty? Who has originated the cause of the present difficulty, as referred to by the Gov[er]nor? and who is pressing it on to the disturbance of the public

peace?—An enlightened community will answer these queries— The Governor of Missouri further says "that he must at the same time express his extreme regret that the peaceful and kind interchange of friendly feelings between the Citizens of Missouri, and the Citizens of the United States residing within the Territory of Iowa is likely soon to be harshly suspended and that a violent severance is about to be applied to ties that should bind a people whose language, habits, pursuits and principles are the same and whose mutual interests prompt them to be neighbors in sentiment as well as locality". None regrets this state of things more than the citizens of the United States residing in the Territory of Iowa; but who let me ask, has been the cause of all this difficulty? who is about to cause the harsh suspension of friendly feelings—this violent severance of ties that should bind us together as neighbors? Has it been caused by any of the authorities of the Territory of Iowa, or citizens of the United States, residing within this Territory? Certainly not. The authorities of the Territory, and those of the United States within the same,—nor any of the citizens residing therein, have never interfered with the authorities or citizens of Missouri, within the ceded and constitutional boundaries of that state, neither do they intend to do so; but they have exercised jurisdi[c]tion over the Territory transferred to them by the United States, at the organization of the territorial gov[ern]ment, and intend (as before observed) to continue to do so the menaces and threats of the authorities of Missouri to the contrary notwithstanding—And if the friendly feelings between the citizens of

Missouri and those of the United States, residing in the Territory of Iowa, should be forever severed, and instead of friends and brothers we should be compelled by the intrusions of Missouri upon our rights, to view them henceforth as aliens in feeling and enemies in practice, and thereby be induced to withdraw our confidence from the citizens and authorities of that state and bestow it upon our neighbors on the east of the Mississippi with whom our institutions habits and commercial interests are intimately connected, such a state of things, will be the natural results of the Missouri policy—*I repeat it*, If the unjustifiable course of Missouri in her attempt to tax our citizens, and to enforce the collection of taxes from them, be persevered in, and the citizens of the United States, within this Territ[or]y, be compelled thereby, to withdraw their confidence from the citizens and authorities of that state, both social and commercial, and bestow it, upon their neighbors, on the eastern side of the Mississippi, river,—The Sin will be with the politicians of Missouri—it will be *because they would have it so*, and with the authorities of that state must rest the consequences.

The Governor of Missouri in conclusion states that, "in declaring his individual feelings, on this subject which he has every reason to believe, are felt generally by the citizens of that state, he entertains a hope, that, the enlightened authorities, of the Territory of Iowa, will permit, to be offered, no obstruction, to the peaceable and quiet administration, of the laws of Missouri within the ceded and constitutional limits of that State."

I can here assure the Governor of Missouri, that the authorities of the Territory of Iowa, never have offered any obstruction to the peaceable, and quiet administration of the laws of Missouri, within the "*ceded and constitutional limits of that state*", neither do they wish to offer any such obstruction, neither do they wish to interfere with the officers, or citizens of Missouri either directly, or indirectly, within her *ceded and constitutional limits;* but (I repeat the Declaration) they *do* intend to exercise jurisdiction, within the ceded and constitutional limits of the Territory of Iowa, and to oppose the strong arm, of the civil authority against all who may attempt an encroachm[e]nt upon their rights, within the same. And if the Governor of Missouri will restrain the authorities of that state from encroaching upon the rights of the citizens of the United States, within the ceded and constitutional [limits] of this Territory—we will assure him, that the authorities of the Territory of Iowa, will not pass over the generally acknowledged line, to interfere with the institutions of Missouri, the rights of her citizens, or the peaceable exercise, of its legitimate constitutional authority.

Whereas it appears by the Proclamation of the Governor of the state of Missouri, that our anticipations relative to the pacific disposition of the authorities of that state, have not been realized, but that her authorities both civil and military, have been called upon, by proclamation of the Governor, to hold themselves in readiness to enforce the jurisdiction of that state, over a portion of the citizens of the United States, residing within, the ceded and acknowledged boundary of this Territory—And whereas it becomes our

duty, to maintain the jurisdiction of the United States, over all the Territory acknowledged at the time of its organization, to be included within the boundaries of the Territory of Iowa; until other boundaries are fixed by the Congress of the United States— I therefore Robert Lucas, Governor of the Territory of Iowa, do hereby specially call, the attention of the District Attorney, and Marshal of of the United States, to this subject; as the ministerial officers of the laws of the United States, within this Territory, and the legitimate guardians of the peoples rights under them; and respectfully direct, that they exercise a vigilant promptness, in causing the laws of the United States to be respected and enforced, within the organized limits of the Territory of Iowa, and that they cause all offenders against the laws of the United States, within this Territory to be prosecuted, arrested, and brought to trial, before the proper tribunal of the United States And I do further specially call the attention of the District Prosecutor of the first Judicial district of this Territory, and the sheriff of Van Buren county to this subject, as the ministerial officers of the laws of the Territory, within the district of country over which the authorities of Missouri have attempted to obtain a surruptitious jurisdiction,—and specially, direct them, that they exercise vigilant promptness in causing the laws of the Territory to be enforced within the said county of Van Buren; and that all offenders against the same be promptly, prosecuted, arrested, and brought before the proper judicial tribunals, within the Territory, to be dealt with as the law directs.

In thus calling upon the civil authority we do it under the firm belief that it is sufficiently potent, to protect the rights of the Citizens of the United States, as well those guaranteed to them, by the laws of the United States, as those of the laws of the Territory—Should the Marshal of the United States, however, under any circumstance deem it expedient to call to his aid in the service, or execution of civil process, a *posse commitatus*, of armed men, he has the whole force of the Territory at his command; and in like manner, should the sheriff of Van Buren county, deem a *posse commitatus* necessary to aid him in the service or execution of civil process, he has the whole power of the county at command. With regard to the necessity or propriety of a call for a *posse commitatus*, The respective minsterial officers, must be the Judges, both as to the Call, and force required. Further than this, we consider an allusion to a military, or armed force, at this time, to be entirely out of place. We, think the civil authority of the United States is sufficiently powerful, to bring offenders to justice, and though it may not be adopted, to make as forcible an impression, at the commencement, as the military arm, yet generally, it opperates with more certainty, upon offenders—it is more seriously felt in the sequel, and more durable in its effects upon those it operates upon. I therefore exhort the Citizens of the United States, residing in Van Buren county—those in particular, over whom the authorities of Missouri are seeking to exercise an unwarrantable, and unjustifiable jurisdiction,—to be calm, and discreet, in all your acts. Look up to the civil authorities, of the United States, for protection. Should

you even be threatened, with extermination, by the all powerful arms of Missouri; be not dismayed—you are neither slaves, that you should pay tribute to a foreign govern[men]t, nor passive members, of a defenceless community, that you should be taxed without your consent,— You occupy the exalted station of free, and Independent citizens of the United States— You purch[as]ed the land on which you reside, from the United States, as lying within the Territory of Iowa.— You have settled upon them as such— you owe no allegiance to any other govern[men]t, and have therefore a right, to claim from the Govern[men]t of the United States, the protection of all your rights and privileges, which protection, will be extended to you, through the civil authority, in the first place; but should your county be invaded, by an armed force, too powerful to be resisted by the ordinary process of the civil authority; I repeat the request made in my Proclamation of the 29th of July last, that "written evidence of the facts be immediately taken, and forwarded to this Department" which will be forwith transmit[t]ed to the President of the United States, and his interposition and instructions solisited; And you may rest assured, that should the President of the United States, authorise us to repel *force* by *force* should our Terr[i]t[or]y be invaded, it will be promptly done, regardless of the boasted prowess, and superior numbers of the Missouri Militia.

In Testimony whereof, I have hereunto set my name, and caused the seal of the Territory, to be hereto affixed.

Done at the City of Burlington, in the Territory of Iowa, this twenty fifth, day of September in the year of our Lord, one thousand eight hundred and thirty nine—and of the Independence of the United States the sixty fourth; and of the organization of the Territory of Iowa the Second.

L. S.

ROBERT LUCAS[1]

[*Recorded by Governor Lucas*]

PROCLAMATION BY THE GOVERNOR

Whereas the first, and seventeenth, sections of the Act of the Legislative Assembly of the Territory of Iowa "Approved the 25th of of January 1839, Entitled "An Act providing for and regulating Elections in this Territory," as copied verbatum from the manuscript roll, as it was originally approved, and deposited in the office of the Secretary of the Territory, Reads in the following words, to wit.

"Section 1 Be it enacted by the council and House of Representatives of the Territory of Iowa—That an Election for members of the House of Representatives, and for county officers shall take place on the first Monday in August next, and on the same day in every year thereafter; an Election for delegate to Congress, for members of the council and county recorder, shall take place on the first monday in August next and [eighteen hundred and] forty and on the same day in every second year thereafter, and all General

[1] Autograph signature.—EDITOR.

and special elections for Delegate to Congress members of Council and House of Representatives and all county, Town, and district officers, shall be conducted in the manner hereinafter prescribed" Section 17th The Clerk of the board of Commissioners immediately after making out abstracts of votes given in his county, shall make a copy of each of said abstracts and transmit it by mail to the office of the Secretary of the Territory, and it shall be the duty of the Secretary of the Territory with the Marshal of the Territory, or his deputy, in presence of the Governor, to proceed within fifty days, after the Election, and sooner if all the returns be received, to canvass the votes given for Delegate to Congress, and the Governor, shall grant a certificate of Election to the person having the highest number of votes, and shall also issue a Proclamation, declaring the election of such person"

"In case there shall be no choice by reason of any two or more persons having an equal number of votes, the Governor shall order an new Election"—

And whereas the abstract of votes given within the several counties in this Territory, at the General Election held on the first Monday in August next for Delegate to Congress from the Territory of Iowa; having been transmit[t]ed to the office of the Secretary of the Territory and this day canvas[s]ed in my presence as the law directs, from which it appears that *Francis Gehon* Esqr recvd *Eight hundred and forty three* votes for Delegate to Congress—That *William W. Chapman* Esquire received *Twenty four* votes for Delegate to Congress and that *Joseph M Robinson* Esqr

recvd *Thirteen* votes for Delegate to Congress, and that there were several scattering votes—

I therefore Robert Lucas, Governor of the Territory of Iowa, In discharge of the duty required of me by the 17th Section of the Act as aforesaid, do hereby issue this my Proclamation declaring *Francis Gehon* to be duly elected a Delegate to the Congress of the United States from the Territory of Iowa; he having received the highest number of votes of any person voted for at the General Election, held on the first Monday in August last, as appears from the abstracts of votes duly returned to the office of the Secretary of the Territory, and canvas[s]ed as aforesaid.

In testimony whereof I have hereto set my
L. S. name, and caused the Great Seal of the Territory to be hereto affixed.

Done at the City of Burlington in the Territory of Iowa, this 1st day of October A D 1839. and of the Independence of the U S the 64.

Signed ROBERT LUCAS[1]

[*Recorded by Governor Lucas*]

To all to whome these presents may Come Greeting.

I Robert Lucas, Governor of the Territory of Iowa, do hereby certify: that *Francis Gehon* Esqur. was duly elected a delegate from the Territory of Iowa, to the House of Representatives of the United States, at a General Election,

[1] Autograph signature.—EDITOR.

held in the said Territory of Iowa, on the first Monday in August A D 1839.— He having received the greatest number of votes, of any person; for Delegate to Congress, at said Election, as appeared by the abstracts of votes, duly returned to the office of the Secretary of the Territory, and this day canvas[s]ed, in my presence, in pursuance to the statutes in such case made and provided.

In testimony whereof, I hereunto subscribe my
L. S. name, and Cause the Great Seal, of the Territory of Iowa, to be affixed to these Presents. Done at the City of Burlington, in the Territ[o]ry of Iowa, this first day of October, in the year of Our Lord, One thousand eight hundred and thirty nine—and of the Independence of the United States of America, the sixth fourth

(Signed) ROBERT LUCAS[1]

[*Recorded by Governor Lucas*]

Executive Departm[en]t Iowa Territ[or]y
Burlington October 2[d] 1839.

Sir,

I herewith enclose a certificate of your election, as Delegate to Congress, from the Territory of Iowa.—issued in pursuance of the 17[th] section, of the Election law of this Territory— The Proclamation as required by said section, prefaced by a corre[c]t copy of the first, and seventeenth sections, of the Election law, approved the 25[th] of January

[1] Autograph signature.—EDITOR.

A D 1839, will appear in this *weeks Gazette*, to which I solisite your particular attention—

Vy respectful[l]y
I am Sinc

Hon. Francis Gehon
Du Buque
Iowa Territ[or]y

Your Obt Svt
Robert Lucas[1]

[*Recorded by Governor Lucas*]

Executive Department Iowa Territory
Burlington October 3rd A D 1839

Sir,

It appears to be my misfortune, to be drawn irresistably, into a controversy with the authorities of the state of Missouri, on the subject of boundary; This controversy has been forced upon us, by the proceedings of the public authorities in the state of Missouri., as will be evidenced, by the documents herewith transmit[t]ed. Documents marked (A, &, B) are copies of the acts of the last session, of the Legislature of Missouri—on the subject of her northern boundary— (C) is a copy of a communication from the county commissioners of Van-Buren county, in this Territory of Iowa,—complaining of certain intrusions upon their rights, by the authorities of Missouri— (D) is a Copy of a Proclamation issued by me, on the receipt of the communication from the commissioners of Van Buren county in this Terri-

[1] Autograph signature.—Editor.

tory— (E) is a copy of a Proclamation issued by the Governor of the State of Missouri, and (F) is a Copy of my replication, to the Proclamation of the Govern[or] of Missouri— As the subject is causing some excitement in the west, I have thought it to be my duty, to transmit these documents to you, for your information, and that of the President of the United States— They embody facts, that will enable you to judge correctly, as to the true merits of the case; and position of the parties.

I am not aware, that any thing has yet transpired, that calls for the interposition or acts of the President in this matter, unless he should deem it, to be of sufficient importance, to be pressed upon the Consideration of Congress, at the Commencement of the next session—

Should the President after an examination of these documents, think it advisable to make any suggestions to me, his advice will be thankfully received, and promptly attended to.

With Sincere respects

Hon
John Forsythe
Secret[ar]y of State
U. S
Washington City

I am Sinc
Your vy obt
Servant
Robert Lucas[1]

[1] Autograph signature.—Editor.

[*Recorded by Governor Lucas*]

Executive Department, Iowa Territory
Burlington December 13th AD 1839.

Sir,

At the conclusion of my communication of the 9th insta[n]t (transmit[t]ed to the Departme[n]t by General Morgan) I stated the report "that Missouri was embodying an armed force, to take possession of the district of country claimed by her," That report has been confirm[e]d, by the printed report and affidavit, of Stephen Whitcher Jnr Esqr, which is herewith transmit[t]ed for the consideration of the President of the United States. Mr Whitcher is a respectable member of the bar, possessing an intelligent mind, and strict integrity of character, and from my personal acquaintance with him, I have no hesitation, in transmit[t]ing his report, (to the Marshal of the United States, with his affidavit annexed,) to the Department of State, as a document, entitled to the most implicit confidence— On an examination of this document, it will be perceived, that the authorities of Missouri, have actually embodied an armed force; to resist the laws of the United States, and intends invading with that force, the Territory of Iowa, in violation of the laws of the United States, as well as those of the Territory—

The proceedings of the officers of the United States and those of the Territory in this affair have been transmit[t]ed to the Department. We are still acting on the defensive, and will continue to do so. The Citizens of Van Buren county in this Territory, claime the protection of the General Government, That protection has been extended to

them as far as can be done, by the civil authority— We have no Military force at our command and I consider that we have, no authority without the instructions of the President of the Un[i]ted [States] to use a Military force further than may be required by the civil officers, in aid of the civil authority; when this aid is required it will be granted to the extent of our means. But being under the controle of the General Governm[en]t, we must look up to it, for protection, and for instructions, how to act in this extraordinary affair.

I therefore respectfully solisite the attention of the President, to the documents herewith transmit[t]ed—and as Executive of the Territory acting under the authority of the United States, ask for his instructions— Should he deem it advisable, to repel, by an armed force, the contemplated invasion of the Territory of the United States, by armed forces from the state of Missouri, his instructions, and authority to do so, will be promptly attended to, to the extent of the means under our controle.

Until such instructions are received, from the President of the United States, all military movements in this Territory will be in obedience to requisitions from the civil officers of the United States, and under their special controle—

The state of Missouri has at present assumed a truly menacing attitude, but her menaces cannot intimidate us, or drive us from a faithful discharge of our duty to the United States, We consider that we have no authority to suspend the operations of the laws of the United States within any

part, of the organized limits, of the Territory, as it was transfer[r]ed to us, by the General Government at the time, of our organization, until other boundaries are fixed by Congress— Neither have we a right, to compromise, or yeald, the jurisdiction of the United States, in any way or manner whatever, within said limits— And I trust that the prompt action of the President of the United States, will protect the rights of the citizens of the United States within this Territory, and put a speedy check, to the depredations from Missouri, until the question, of boundary is definitely settled by Congress.

With Sincere resp[e]cts,
I am Sin, your
Vy Obedt.
Servant,
ROBERT LUCAS[1]

Hon JOHN FORSYTHE,
Se[c]reta[r]y of State, U. S.
Washington City.

[*Recorded by Governor Lucas*]

Executive Department Iowa Ter[ri]t[or]y
Burlington December 16th 1839.

To the Honorable, House of Representatives of the Legislative Assembly.

Gentlemen,

On the 13th insta[n]t, there was presented to me for my consideration, a Preamble and Resolutions, entitled, "*Preamble and Resolutions, relative*

[1] Autograph signature.—EDITOR.

to the difficulty between the Territory of Iowa, and the State of Missouri"— I have carefully examined this Preamble, and Resolutions, and being unable to concur with the Legislative Assembly, I herewith return them, to the House of Representatives, in conformity to the amendment, of the Organic law, with my objections thereto.

The title to the resolutions relates to the difficulty between the Territory of Iowa and the state of Missouri.— I know of no difficulty between the Territory of Iowa, and the state of Missouri, neither can the Territory of Iowa, as a Territory, be a party to the controversy, The Territorial Govern[me]nt being entirely under the controle of the United States, The controversy about the southern boundary of the Territory of Iowa, is between the state of Missouri, and the General Governm[e]nt.

I concur with the Legislative Assembly in deprecating any collision between the citizens of the United States residing in the Territory of Iowa, and the citizens of Missouri—and also with the belief, that the most friendly feelings exists between the great body of the citizens of Missouri; and those of the United States within this Territory.

I know of no act on the part of the citizens, or authorities of the United States, within the Territory of Iowa, that has in the least intruded upon the rights of the citizens of Missouri; We have given that state no cause of offense, and I have reason to believe, that the great body of the citizens of the state of Missouri, are opposed to the rash proceedings of the authorities of that state, in these intrusions upon the citizens of the United States residing

within the organized limits of this Territory. And I am also of opinion, that the great body of the people, of Iowa Territory, would be unwilling to see a portion of their fellow citizens, residing in the southern part of Van Buren county, surrendered to the authority of Clarke county Missouri, to be taxed and harrassed by them at their pleasure. I consider that the citizens of Van Buren county, are entitled to the same protection, that the citizens of *Lee*, *Henry*, or *Des Moines*, counties are; And I am not aware, that there has been any military movement in the Territory of Iowa, further than was required by the Marshal of the United States, to enable him, to enforce the laws of the United States, and to protect the citizens of the Territory, in their Constitutional rights.

The Organic law of the Territory, declared that the laws of *Wisconsin;* should be extended over this Territory, until altered or repealed by the Legislative Assembly, and that the laws of the United States, are extended over, and should be enforced in this Territory, so far as the same may be applicable— The Organic law in defining the duties of the Governor of the Territory; declares "that he shall take care, that the laws be faithfully executed,"— Van Buren county was organized under the laws of *Wisconsin Territory* and the jurisdiction of the United States under the authority of this Territory, was exercised to the Indian boundary line— This jurisdiction was transfer[r]ed to the Territory of Iowa, at the time of its Organization, and has been exclusively and peaceably exercised by her under the

authority of the United States, until the recent interruptions from Missouri—

I therefore consider that we are bound by the solemn obligation we have taken, "*to be careful that the laws be faithfully executed*" within the boundaries of the Territory of Iowa, as it was transfer[r]ed to us by the United States, at the time of its organization, and that there is no authority, in this Territory, either in the Executive, or Legislative Assembly, that can in any way or manner, suspend the operation of the laws of the United States within the boundaries, of any part, of the Territory of Iowa, or to compromise, or to yield the jurisdiction of the United States in any way or manner whatever, to any part of the Territory, over which Wisconsin exercised jurisdiction, at the time of its organization,—until Congress establish a different line—

I therefore cannot concur in any resolution, or act, that would make me a party, to any transaction that would come in conflict, with the solemn obligation I have taken, "*to take care that the laws of the United States be faithfully executed.*" which would be the case, if I submitted to the requisition, of the resolutions, herewith returned.

For the information of the Legislative Assembly, I will state, that, on the 9th inst, I dispa[t]ched a special messenger to Washington City, and submit[t]ed the whole facts, relating, to the contest, between the state of Missouri, and the United States, relative to the southern boundary of the Territory of Iowa, to the President of the United States, and solisited his interposition and instructions, on the subject— So soon as instructions are received, from the Pres-

ident of the United States, in this affair, they will be promptly obeyed, by the Executive of the Territory.

Vy respectfully
Your obt Sert
Robert Lucas[1]

[*Recorded by Governor Lucas*]

Executive Department Iowa Territ[or]y
Burlington February 12th 1840

Sir,

I received last evening your communication of the 22 ultimo, enclosing a copy of a letter, of the same date, to you, from Dr L F. Lin[n], one of the senators of Missouri.

In reply to your suggestion relative to the discharge, of the sheriff of Missouri, I will state, that he has been discharged several weeks since on his individual recognizance (as I have been informed) to attend the Di[s]trict court in Van Buren county, which will be held in April next. Should he fail to attend and his recognizance be forfeited, the penalty can be remit[t]ed by the Executive, and should he appear and stand his trial (which I think it probable he would prefer doing) any sentence that may be pronounc[e]d against him by the court for a violation of the laws of the Territory, may be remit[t]ed by the Executive of the Territory. but should he be convicted for a violation of the laws of the United States, a *reprieve* can only be granted by the

[1] Autograph signature.—Editor.

Executive of the Territory until the decision of the President of the United States can be made known, as required by the second section of the Organic law of the Territory.

The sheriff of Missouri never was in confinement, after the process of the law was served on him, by the sheriff of Van Buren county in this Territory, he came with him to this city.—I had some conversation with him and advised him to enter into recognizance and to return home. I informed him at the same time that the authorities of the Territory of Iowa, did not wish to inflict punishment upon any of the citizens or officers of Missouri—that our only object was to maintain the jurisdiction of the United States, within the organized boundaries of the Territory as it had been transferred to us at the organization of the Territory: and as it had been peaceably exercised by Wisconsin previously to the organization of this Territory: That this we considered to be our duty until Congress definitely established the line. I also told him at the same time that should he be convicted for a violation of the laws of the Territory, that as Executive I should feel disposed to remit the penalty— The District Judge at the same time proposed to discharge him, on his individual recognizance, but he objected to such discharge, he stated that his Council in Missouri, had advised him not to enter into recognizance, and that he preferred remaining, in the custody of the law, for the time being—having made this selection the sheriff of Van Buren county in whose custody he still remained, removed him to Bloomington some distance from the seat of excitement, and transfer[r]ed him to the care of the

Sheriff of Muscatine county, where he remained in custody of the sheriff (but was never put into confinement) until the Missouri troops withdrew from the boundary, immediately after which the Marshal of the United States dismissed his *posse Commtatus* as will be seen, by his report to me on the 14 of De[ce]mber, and my General Order issued upon the reception of said report, announcing such dismissal—copies of which are herewith transmit[t]ed for the information of the Departm[en]t. (marked A, and, B). A few days after the date of said General Order, the sheriff of Missouri, (as I have been informed), gave his individual recognizance to the district Judge, was discharged, th[e]reon, and returned home—Subsequently every thing has appeared tranquil upon the borders, and I trust will continue so, until a final quietus, is put to the matter in dispute, by Congress— To the decision of that body, the authorities, and citizens of the United States, within the Territory of Iowa, will yield a willing acquiesence—and I trust that on a sober second thought, that the authorities, and people of Missouri, will do the same, notwithstanding the declaration, of the Governor of that state, in his proclamation of the 28th of De[ce]mb[e]r last.

In as much, as the Governor of Missouri, has copied in his said, proclamation, Resolutions, purporting to have been passed, by the Legislature of this Terr[i]tory, and upon which he has commented largely; in his proclamation,—dissents from the propositions therein contained,—protests against the right of Congress, to decide against the pretentions of Missouri—and declares his determination, to main-

tain the jurisdiction of the state of Missouri; to the boundary claimed by her, &c.—

I think it proper to observe, that as respects the resolutions, of the Legislature, of Iowa Territory—The Governor of Missouri, must have been deceived by somebody. No such resolutions, were ever transmit[t]ed to him, or any other person in Missouri; by any of the constituted authorities of the Territory of Iowa—such resolutions passed the Legislative assembly; and was submit[t]ed to the Executive, but being disapproved, was returned by him, to the House of Representatives, on the 16th of D[ece]mber, with his objections. A copy of the resolutions, as they passed the Legislative assembly, with the objections, of the Executive; and votes of the House of Representatives th[e]reon; are h[e]r[e]with transmit[t]ed, together with, Gov Boggs's Proclamation, of the 28th of De[ce]mber (marked C. and D.) which show the true position, and acts of the parties—I also transmit the report, of Dr. James Davis, the Commissioner, appointed on the part of the Territory of Iowa, to run and ascertain the southern boundary line. Dr Davis accompanied Li[e]ut Lea, the United States Commissioner, in his Survey, and I was not aware, till lately, that he had not made report to the Department at Washington—I have therefore thought it my duty, to transmit a copy of his report to me, that the same may be filed, in the Departm[en]t at Washington, with the other documents on that subject.

The foregoing, together with the do[c]uments heretofore transmit[t]ed, will give a full view, of all the transactions

of the constituted authorities, of this Territory, that are in any way connected with this boundary question.

Very respectfu[ll]y

Hon, I am your obt Svt

JOHN FORSYTHE ROBERT LUCAS[1]

Secretary of State U S

Washington City

[*Recorded by Governor Lucas*]

Proclamation

By the Governor of Iowa Territory—

To all whome it may concern.

Know ye, that having received a certificate under the hands, and seals, of a majority of the Commissioners appointed in the act, entitled "*An act, to organize the county of Linn, and to establish the seat of justice thereof*" *Approved the 15th d[a]y of January 1839, in the words following to wit:*

"In persuan[ce] of an Act of the Council, and House of Representatives of the Territory of Iowa,—Approved January 15th 1839. Entitled *An Act to organize the county of Linn and to establish the seat of Justice thereof*"—

We the Undersigned, two of the Commissioners appointed by the aforesaid act, to locate the seat of Justice of said county of Linn, having met at the house of William Abbey,

[1] Autograph signature.—EDITOR.

in said county on the first Monday of March inst, and being duly sworn, according to law, proceeded to locate said seat of Justice, *by driving a stake, to be considered the center of said location*, to agree with the four cardinal points, in an open rolling prairie, about one hundred yards east of the east fork, of Indian Creek, and eighty rods, north of a grove of timber designated, as Red Cedar timber, and in a direct line, about equal distance, between a house said to belong, to Doctor James Hall, and a small grove of timber, called Quakinasp Grove, having the east branch of Indian Creek, on the west; an extensive grove of timber on the south; a small branch with two large springs on the east, and an open prairie on the north, and supposed to be about three, miles, south of the geographical center of said county, and done in the presence, of a large number of inhabitants"—

We hereby certify, the foregoing, to be a true description, of the seat of justice, of the county of Linn, and Territory of Iowa.

Given under our hand, and seals, this eighth day of March, A D 1839.

BENJAMIN NYE (seal)
(Signed) RICHARD KNOTT (seal)
Commissioners

Therefore I Robert Lucas, Governor of the Territory of Iowa, do in pursuanc[e], of the provisions of the act aforesaid, hereby proclaim, affirm, and declare the said location, as specified, and described, in the report of a majority of the commissioners aforesaid; to be the seat of justice, of said county of Linn.

In testimony whereof, I have hereunto subscribed my name, and caused the great seal, of the Terr[i]tory, to be hereunto, affixed.

L S

Done at the City of Burlington, the eighteenth day of March, in the year of our Lord, one thousand eight, hundred and thirty nine, and of the Independence of the United States of America, the sixty third

ROBERT LUCAS[1]

[*Recorded by X*____]

Message.

Gentlemen of the Council and House of Representatives:

It becomes my duty, as Executive, to submit to you [a] statement of the affairs of the Government, and to recommend to your consideration, such measures as are deemed advisable, in perfecting the internal organization of the Territory; and such other measures as are best calculated to advance the interests, promote the prosperity, and happiness of the people.

It is with the most h[e]artfelt gratitude to *Almighty God*, whose superintending care has extended over us, and sustained us through various vicissitudes for the last year, that I am, through his *special Providence*, permitted again to address the Legislative Assembly of a Territory, that has advanced, since its organization, in improvement, population and wealth, beyond a parallel of all former history. With

[1] Autograph signature.—EDITOR.

a genial climate—a soil unsurpassed for fertility—abounding with pure water, navigable rivers and inexhostable mineral resources—containing a population that may safely, at this time, be estimated at upwards fifty thousand inhabitents, and which will in all probability be doubled by the time the census of the United States is taken in Eighteen & forty—with this glowing prospect before us, we have great cause of gratitude to the author of all good for the peculiar manifestitation of His favor and blessings, conferred upon us as a political community, as well as a people, collectively and individually.

When we consider the rapidly increasing population, and advancing prosperity of the Territory, we may, in my opinion, with propriety proceed to measures preparitory to the formation of a Constitution and State Government, and for our admission into the union as independent state. I know it is the opinion of some, that such measures would be premature at this time, inasmuch as our exp[e]nses are defrayed by the United States. This consideration is entitled to waight: but when we consider the imperfect organization of the Territorial Government, and the consequent embarrassment in the administration of its internal affairs—and by refer[r]ing to past history, compare the condition of the inhabitents of Ohio, Indiana and Michigan, while under a Territorial Government, to their subsequent prosperity after their admission in the Union as Independent states, the preponderance is much in favour of state government—for the prosperity and improvement within each of the aforesaid states languished while Territories, but advanced with rapid

strides from the moment of their several admissions into the Union as independent states. With these facts before us, I would earnestly recommend to the Legislative Assembly the early passage of a Memorial to Congress, respectfully [asking] of that body the passage of an Act, at their ensuing session, granting to the inhabitants of Iowa Territory, the right to form a constitution and state Government, and to provide for their admission into the Union upon an equal footing with the original states.

In recommending this subject to the consideration of the Legislative Assembly I respectfully suggest the following as the most natural and suitable for our state, to wit; beginning in the middle of the main channel of the Mississippi river at a point east of the middle of the main channel of the Des Moines river where it empties into the Mississippi river; thence up the Mississippi river, following the middle of the main channel of the same to the mouth of St. Peters river; thence up the St. Peters following the middle of the main channel of the same to the mouth of Blue Earth river; thence up Blue Earth river, following the middle of the main channel of the same to the most westerly source of said river; thence on a direct line to the source of Cactus River, an east branch of Calumet or Sioux river; thence down said river following the middle of the main channel thereof to the middle of the main channel of the Missouri river; thence down the Missouri river following the middle of the main channel thereof to a point west of the line that may be established by Congress under the act approved June 18. 1838 entitled "An act to authorize the President

of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked;" thence east with said line to the middle of the main channel of the Des Moines river; thence downward along the middle of the main channel of the Des Moines river to the place of beginning.

The foregoing appears by referance to the Geographical position of the country to be the most natural boundaries for our state. It embraces the head waters of all our principal rivers, extend[s] from the Mississippi river to the Missouri river, and will leave the northern portion of the Territory as now bounded in a suitable situation for the future formation of two additional states each extending from the Mississippi to the Missouri river.

I would also recommend the passage of a law to provide for the calling of a convention to form a state constitution so soon as Congress may grant by law the privilage to do so.

Congress at their last session made two important amendments to the organic law of the Territory, both of which were approved the 3^{d} of March 1839. The first entitled An act to alter and amend the organic law of the Territories of Wisconsin and Iowa," declar[e]s, that every bill which shall have passed the Council and House of Representatives of the Territories of Iowa and Wisconsin, shall, before it becomes a law, be presented to the Governor of the Territory, if he approve of it, he shall sign it, but if not, he shall return it to the House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if after such reconsideration, two

thirds of that House agree to pass the bill it shall be sent, together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas & nays; and the names of persons voting for and against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the Governor within three days (sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Assembly by adjournment prevent its return, in which case it shall not be a law.

The foregoing is a salutary amendment to the organic law, and is truly gratifying to the Executive. It defines the duties and powers of the Executive, when those duties stand connected with the Legislative Assembly, relieves him from much Legislative responsibility, and places it where all legislative responsibility should rest, with the immediate representatives of the people. In the original law all the responsibility was thrown upon the executive. No law could take effect without his approval, and there was no provision made for a reconsideration by the Legislative Assembly when the executive differed with them in opinion. This amendment will doubtless tend to harmonize the proceedings between the Legislative Assembly and the Executive, and lead to a more convenient dispa[t]ch of business.

The second is An Act to authorize the election or appointment of certain officers in the Territory of Iowa, and for

other purposes." This act prescribes—"that the Legislative Assembly of the Territory of Iowa shall be, and are hereby authorized, to provide by law for the election of Sheriffs, Judges of Probate, Justices of the Peace, and County Surveyors within said Territory, in such way or manner, and at such time and places as to them may seem proper; and after a law shall have been passed by the Legislative Assembly for that purpose, all elections or appointments of the above named officers, thereafter to be had or made shall be in pursuance of such law."

The for[e]going section vests in the Legislative Assembly the right to provide by law for the election of the aforesaid officers This no, doubt, will be a ple[a]sant duty to perform, as it is in strict accordance with the spirit of our institutions. Our Government is a Government of public sentiment, and I have ever been of opinion, that the only safe depository of power is with the people. They are the only legistimate sover[e]igns of the land and with them should be vested the power of electing all public functionaries from the highest to the lowest degrees. This has ever been my sentament, and I take pleasure in urging upon the consideration of the Legislative Assembly, on the present occasion, the passage of a law to provide for the election, by the people, not only [of] the office[r]s ab[o]ve mentioned, but all others within the Territory that are not expressly prohibited by the Organic law.

I will again call your attention to the importance of providing by law for the organization of Townships. Such an organization was doubtless contemplated by Congress, when

they declared in the Organic Law, that all Township office[r]s should be elected by the people. The organization of townships are intimately connected with every well regulated system of common schools, as well as that of public roads, that neither system can conveinently [be] carried out in detail, without such organization. Further it has been proven by experience, that the ordinary local business of the country can be done with much more convenience and less expensive to the people, where the Township system has been adopted, than in communities where it has been dispensed with. I therefore earnestly press upon your consideration, the importance of passing a law the present session, to provide for the civil organization of township, and that provision be made for the election by the people, of a compitent number of justices of the peace, in each organized township, as well as other township Office[r]s.

The subject of a well digested system of common schools, is one of as great importance as can possibly be pressed upon legislative consideration. The act passed at the last session, is too limited in its provisions to serve as a foundation of a well regulated system. I would therefore recommend its revision, and call your attention to the school law of the state of Michigan, as worthy your attention, and from which useful information may be obtained.

The resolution of the last session of the Legislative Assembly on the subject of printing the laws and journals, approved November 27. 1838, reads as follows towit;

"*Resolved*, that Messrs Clark & M^c^Kenney, publishers of the Territorial Gazett, in this city, be employed [to print]

the journal of the proceedings of the House of Representatives, in pamphlet form, and that they be paid the same prices as are paid to the printers of Congress for such work; and that Russell & Reeves of Du Buque, be employed to print the laws passed by the present session on the same terms, and that said Russell and Reeves, be required to enter into bonds with good and sufficient security, to the Secretary of the Territory, in the sum of Five thousand dollars, to have the same ready for delivery on the 1st day of May 1839."

The act regulating the publication of the laws and journals of the Legislative Assembly of the Territory of Iowa, approved January 21, 1839 (see page 321,) points out the manner in which the laws shall be printed bound & distributed.

The 4th section declares, that, "It shall be the duty of the Secretary of the Territory to superintend the printing, in such manner as he shall conceive most conductive to the public good, the act and joint resolutions of the Legislative Assembly, and to correct the same by the enrolled bills in his office; and when the printing of the same shall be finished, to certify the fact, of his having compared & found the same correct, which certificate shall be signed and dated by the Secretary, and annexed in print to the volum[e] of acts and joint Resolutions afor[e]said."

The 10th section of said act declar[e]s, that "the Secretary of the Territory be and he is hereby required to furnish the public Printer with a copy of all acts of Congress now in force relative to the naturalization of aliens, as soon as prac-

ticable, and that it shall be the duty aforesaid, to publish the same, as an appendix with the statutes of a public nature, of the present Legislative Assembly."

The manner in which the obligation in the aforesaid resolution has been fulfilled, and the duty specified in the act relative to publishing the laws, has been performed, will be manifest by a referance to the time the laws were ready for delivery, and by an examination into the correctness and contents of the volum[e] published. The obligation in the resolution required the laws to be ready for delivery on the first day of May last. They have just been rec^{d} at this city, within a few days of six months after the time specified in the obligation. On examining the printed volum[e], delivered to me by the Secretary of the Territory, I find it contains his official certificate, dated the 23^{d} of July, A. D. 1839—(nearly three months after the time the laws should have been ready for delivery) certifying that he had compared the pages with the "*engrossed bills*" deposited in his office, and that they contained true and correct copies. (The Secretary, I sup[p]ose me[a]nt the enrolled bills, as no "engrossed bills" are ever filed in the Secretary's office as laws.) In this certificate the Secretary has been in error in one particular at least; for in the first section of the act providing for and regulating general elections, in the Territory, I discouver a very important interpolation in the printed copy, that changes metearly the meaning of the law. The original enrolled bill signed by the presiding Officers of both branches of the Legislative Assembly, approved by the Executive, and deposited in the Secretary's

office, in the clause relating to Delegate to Congress, reads as followes: "An election for Delegate to Congress, for members of the Council, and County recorder, shall take place on the first Monday in August next—and forty, and on the same day on every second year thereafter". The printed copy is made to read "An election for Delegate to Congress for members of the Council, and County Recorder, shall take place on the first Monday of August, *Eighteen hundred* and forty, and on the same day in every second year thereafter". Thus we find the word "*next*" when it occurs after the word "*August*" in the original enrolled bill omitted, and the words ["] *Eighteen hundred*" that are not in the original roll interpolated in the printed copy. I have also examined the appendix with care and find under the head—*Naturalization of aliens* an act of Congress enti-t[l]ed "an Act to amend an act concerning naturalization," approved 24th of May 1828, printed, which is the only act on this subject that I could find in the volume. The acts of the Legislative Assembly the publication in an appendix to the laws of the Territory, all acts of Congress now in force, relative to the naturalization of aliens, which would have included a general law on that subject, approved 14th April 1802, an additional act approved 26th of March 1804, an act regulating seamen &c. approved 3d of March 1813, an act relative to evidence in case of naturalization, approved May 29th 1824 all of which acts are in force and should have preceded the act published in the appendix.

I have considered it my duty to call the attention of the Legislative Assembly to the foregoing facts. The immence

injury that has been sustained by the people of the Territory for want of the laws at the proper time, must present itself forcibly upon the consideration of their Representatives, and calls loudly for Legislative interference, to secure a prompt publication of the laws in future. I would therefore suggest to the consideration of the Legislative Assembly the propriety of creating, by law, the office of Public Printer, and to define his duties, and fix his compensation by law—holding him responsible, under heavy penalties, to have all public printing done promptly at the time provided by law.

The appropriation made by Congress for the purchase of a Territorial Library has been expended, and the book[s] received. The Legislative Assembly having failed at the last session, to pass a law to regulate the library, the Executive procured a room, had it fitted up as a library room, with cases for the books, in which they are now placed, and under the care of Charles Weston Esq. who was, on the 18th of October last, appointed librarian pro tem. This course was thought advisable by the Executive, so that the members of the Legislative Assembly might have the benifit of the Library at the commencement of the session. There being no provision made by law for paying the rent of the Library room, and other incidental expenses connected therewith, Mr. John S. David, the proprietor of the building, agreed to fit the room, and wait the pleasure of the Legislature to make him such allowance as they might deem reasonable.

I would respectfully recommend to the Legislative Assem-

bly the early passage of a law to regulate the Territorial Library—to provide for the appointment of Librarian—fix his compensation, define his duties, and provide for the payment of other necessary expenses of the Library. I think it also would be of great importance to provide for a gradual increase of the Library, by a small annual appropriation, to be expended by the Librarian in subscriptions to important periodical works, and the purchase of such other books as might be deemed most useful to the Territory, and diffuse the greatest degree of useful knowledge among the people. A catalogue of the books and maps in the library will be submitted to the consideration of the Legislative Assembly by the Librarian as soon as it can be conveniently made out.

The directors appointed under the provisions of the act to provide for the erection of a Penitentiary, and establish and regulate prison disciplin[e] for the same, organized their board, and reported to me, on the 29th of April last, and that they procured a site for the Penitentiary in accordance with the provisions of said act, and desired that I would make a requisition on the Treasury of the United States for the sum appropriated by Congress for the erection of public building[s] in the Territory of Iowa in their act of the 7th of of July 1838.

In compliance with the request of the directors, I transmitted to the Secretary of the Treasury of the United States, on the same day a copy of the act of the Legislative Assembly, and called his attention particularly to the 5th section, which required the Governor to draw the appropriation, and pay it over to the Superintendent of the Penitentiary. I

also, in my letter called the attention of the Secretary of the Treasury to the appropriation made in the Organic law for erecting public building[s] at the seat of Government, and explained to him the reason why the two appropriations would be drawn for under different Legislative acts; and in conclusion, requested him to give me the views of the Department on the subject." On the 20th of May, the Secretary acknowledged the receipt of my letter of the 29th of April, and its enclosures. He refer[r]ed me, in reply to an act of Congress, approved 31st of January 1828, and informed [me] that the money would not be advanced, except as service was performed, and articles delivered, unless the President was applied to, and reasons stated, which satisfies him to advance as much as would be wanted for the next thirty or sixty days. A copy of this letter was furnished to the directors of the Penitentiary, and also to the Commission[e]rs appointed to superintend the public buildings at the seat of Government. On the 9th of September the superintendent presented a bill of the work done at the Penitentiary amounting to $2077.00:—also an estimate of the funds wanting for the ensuing sixty days, amounting to $3,800,00, with a certificate of approval, endorsed by the directors.— These estimates, together with a petition directed to the President of the United States by the directors, was transmitted to me by the Secretary of the Treasury of the United States on the 14th of September last, requesting him to transmit to Amos Ladd, the Superintendent, a check either on the Receiv[e]r of public money at this place, or the State Bank of Missouri, for the sum of

$5,877,00—the amount required by the directors. The check, I understand, has been received recently by Mr. Ladd, on the Bank of Missouri. Subsequent to forwarding the aforesaid estimates and requisitions, I rec^{d} a letter from the Secretary of the Treasury of the United States, dated the 9th of September, 1839, in which he informes me, that since the receipt of my communication of the 29th of April last, on the subject of the appropriation to defray the expenses of erecting public buildings in the Territory of Iowa, the com[p]troller had reported, in answer to a call from the Department, in a similar case, that the appropriation must be considered as a grant, and an account can be stated in favour of the Treasurer of the Territory, as my assignee for such parts of the whole as I may require; and that, on receiving from me a requisition in his favor, stating the amount that may be required, to meet the liabilities of the Territory on account of the erection of public buildings, within thirty days subsequent to the date of my requisition, it would be refer[r]ed to the accounting Officer for settlement in conformity with the com[p]trollers decision, and so hereafter when further sums may be needed."

I have submitted the subject in detail, and request that you would give it your serious attention, and that provisions may be made by law to authorize the Treasurer of the Territory, to receive from the Treasurer of the United States, and to pay over all monies appropriated by Congress for the erection of public buildings in the Territory, in accordance with views of the Com[p]troller of the Treasury of the United States.

While on this subject I will call the attention of the Legislative Assembly, in an explicit manner, to the importance of providing by law, for the transmission to the Penitentiary of all prisoners that may be sentenced to imprisonment within any part of the Territory, for a voilation of our criminal laws. It would be attended with but little expense to prepare a temporary prison to secure the convicts at night; and by surrounding the works with pickets, with the attention of a few g[u]ards they might be kept safely at work through the day, and shut up in the prison at night. Thus, they might be made to erect a prison themselves, and relieve the Territory from considerable expense.

By the 4th section of the supplimentary to an act to locate the seat of Government of the Territory of Iowa, and for other purposes, approved 21. January 1839, it was made the donation of, or a preemption to, four sections of land, on which to locate the seat of Government of the Territory of Iowa. In discharge of this duty, the Governor did, on the 24th of January, within four days after the passage of the bill, transmit a memorial to the Senate and House of Representatives of the United States of America in Congress assembled, together with a copy of the original and supp[l]ementary acts to locate the seat of Government of the Territory of Iowa. The memorial first asked Congress permission to locate the seat of Government of the Territory upon the lands of the United States, in the county of Johnson, and within the late purchase made by the United States from the Sac and Fox Indians. Second—that they would grant unto the Territory a donation of four sections of land

upon which to locate the said seat of Government, or if they should not deem it expedient to grant the land as a donation, that they would secure to the Territory a preemption right to four sections of land at the place that might be selected for the seat of Government, and that a title to the same might be perfected on payment being made, in such manner as Congress might deem expedient. A copy of the memorial and acts of the Legislature, was transmitted to the President of the Senate, and speaker of the House of Representatives in Congress, together with a request that they might be laid before their respective houses. We see, by the journal of Congress, that the memorial was received and referred to the the respective committees on public lands, but no other action was had on them prior to the adjournment of Congress. We see among the acts of the last session of Congress, an act entitled "An act making a donation of land to the Territory of Iowa for the purpose of erecting public buildings thereon, approved 3^{d} of March 1839, in the following words: That there be and hereby is appropriated and granted to the Territory of Iowa, one entire section of land, of any of the surveyed public land in said Territory, for the purpose of erecting thereon, the public buildings for the use of the Executive and Legislative Departments of the Government of said Territory: *Provided*, That said section of land shall be selected under the authority of the Territorial Legislature, the seat of Government located thereon, and notice of said selection officially returned to the Register of the Land Office in the District in which the land is situated, within one year from the passing of this

act: *And provided further*, That nothing therein contained shall authorize the selection of the sixteenth section in any township reserved for the use of schools, nor of any lot reserved for public purposes; and that in the selection, to be made as aforesaid, no preexisting improvement of right of preemption recognized by law, shall be prejudiced thereby.

Sec. 2. *And be it further enacted*, That if, at the time of the selection of the section of land to be made as aforesaid, the contigious section[s] thereto have not been made subject to sale, or being so subject have not been sold, at public sale or private entry, then each and every section contigious to said selected section and not sold, shall be thereafter reserved and withheld from sale in any manner, until the further order of Congress thereon. But nothing herein expressed shall be construed to restrain the Territory of Iowa, after appropriating a sufficient quantity of land within said selected section for the site and accommodation of said public buildings, from selling disposing of the residue of said Section in lots or otherwise for the use of said Territory, in the erection and completion of said building[s].

The act of Congress comes in direct conflict with the acts of the Legislative Assembly, and the memorial presented to Congress by their order. It confines the selection to surveyed public lands, when there were at the time of its passage but two Townships of Surveyed public land within the county of Johnson—one lying between the line of Washington and Musquatine counties, and the other north of the same in the south east corner of the county, being entirely

in the prairie, and had been offered for sale in the Du Buque Land District, at the public sales in November 1838. The restrictions under which the selection is to be made, and the conditions connected with the grant are such, as never can be acceded to without an entire disregard to the interests and prosperity of the Territory. First, the selection is confined to surveyed Townships, when the memorial presented to Congress prayed for the grant to be within the late purchase of the Sac and Fox Indians. Second, the section of land must be selected under the authority of the Territorial Legislature, the seat of Government located thereon and notice of said selection officially returned to the Register of the Land Office. Third, that when the official return is made to the Land office, every contigious section, to the section selected as the seat of Government becomes Congressional reservation, and ever there after is reserved from sale in any manner, until the sale shall be order[e]d by a special act of Congress.

What would be [the] effect of the last condition? It would inevitably tend to check the improvement of the city, and retard the prosperity of the inhabitents. The city would be surrounded on every side be Congressional reservation of a contigious section, and must ever remain so, until a special act of Congress should provide for the disposal of these contigious sections which would probably not be for many years, and then upon terms that would check the improvement of the city. I am clearly of the opinion that the grant proposed under the aforesaid act of Congress ought not to be accepted by the Territory and

that it would be better for the Territory to pay the government price for ten sections of land than accept the donation of one section under such embarrassing conditions. I therefore recommend to the Legislative Assembly the passage of a memorial to Congress, calling their attention to the memorial that was forwarded by their direction to the late Congress, and requesting that a grant or preemption right may be secured to the Territory, to the land on which the seat of Government is located without any restrictive conditions, or congressional reservation in the vacinity thereof.

The commission[er]s appointed by the late Legislative Assembly, proceeded to locate the seat of government in the county of Johnson, (and I think very properly too) without regard to the act of Congress of the 3^{d} of March last, and have made report of the proceedings to the Executive, in accordance with the provisions of the Legislative acts of the Territory. The section selected by them has been laid out into city lots, and on application of the acting commission[e]r, public sale of lots were by proclamation of the Executive ordered to be held on the 3^{d} Monday of August, and on the first Monday in October last at which sale there was 203 in lots & 3 out lots sold for the aggregate sum of $28,854.75— The lots sold cannot be estimated at more than one fourth in value of the whole city plat. A special report it is expected will be submitted to the Legislative Assembly by the commission[e]rs.

I would suggest to the Legislative Assembly the revision of the Act establishing the seat of Government, so as to define the manner of disbursing the funds appropriated by

Congress in accordance with the views of the Secretary of the Treasury, as express[ed] in his letter to me on the 9th of September, heretofore referred to. Also, to point out the mode of making deeds of conveyance to the purchasers of lots in Iowa City: Also, to define more definately the plan for the public buildings, and the manner of superintending their construction by an expearienced architect.

The 10th section of the Militia law states, that in order to secure uniformity in the organization, disciplin[e] and government of the Militia of this Territory, it shall be the duty of the commander in chief, from time to time, to provide, at the expense of the Territory, such books of instruction as are, or may be, prescribed for the use of the army or militia of the United States, and to furnish each commissioned office[r] with a copy. This duty would have been performed with pleasure by the Commander in chief, had funds been placed under his co[n]trol for the purchase of such books; but there being neither funds in the Territorial Treasury, nor any law by which they could be drawn therefrom, for the purpose aforesaid, I addressed a letter on the 9th of July last, to the Secretary of War, making enquiry whether such books could be furnished by the War Department.— I also made enquiry respecting a supply of arms to the militia of the Territory, and the establishment of a depository of arms and munitions of war at some central point on the Mississippi river within this Territory, for the use of the militia in case of need. To which letter I received a reply from the acting Secretary of War, dated the 7th of August last, in substance as follows:

The acting Secretary of War, (S. Coope) acknowledged the receipt of my letter of the 9th of July, enquiring whether ther[e] could be furnished, by that Department a number of Coopers books of tactics and regulations sufficient for the instruction of the officers of the Militia of Iowa, and on the subject of supplying arms &c. to enable the citizens of the Territory to defend themselves against Indian depredations; and stated that the Department at that time had no means at its disposal, that would enable it to furnish the work referred to; but that the matter would be submitted to the Secretary of War on his return to the seat of Government for his consideration. In respect to the arms &c the acting Secretary of War enclosed me a report from the officer in charge of the ordinance Department, to whom was refer[r]ed my letter of the 9th of July. This report states that, "the communication of the Executive of Iowa shows that arms and equipments may be required for the defence of the inhabitents against Indian hostilities at some future day. That the organization of the Militia is not yet completed, and consequently no return of the Militia can have been made to the Adjutent General of the army. Issues of arms to the states and territories, under the law of 1808, can be made only on the militia returns, which is indispensable in distributing the number due. In the absence of such returns, and that the Territory may have a resource in case of need, I would respectfully suggest that a suitable place be selected and a disposition of arms, accourterments and ammunition be made, the whole to remain in the custody of the United States subject to the order of the Gov-

ernor of the Territory in certain contingéncies to be specified. It appears to me, that any other disposition of public arms would lead to dis[ap]pointment, in cases they were relied upon for our future service. Some central point on the Mississippi is named as a proper location for the depository of arms. Fort Armstrong and Prairie du Chien, would both be safe places, and are under the control of the Government. My limited knowledge of that part of the country forbids the attempt to name at once a more suitable place."

The foregoing was addressed to the Secretary of War, and dated 3^{d} of August, 1839. It contains the views of the ordnance department on the subject of public arms; but I have received no further communication from the Secretary of War on the subject of the enquiries made of the Department, in my letter of the 9th of August last.

The foregoing statement and corrispondence is respectfully submitted for the information and consideration of the Legislative Assembly. It must convince them of the necessity of perfecting the organization of the militia of the Territory as speedily as practicable.

In pursuance of the militia law, the Territory has been divided into three divisions, six Brigades and twelve Regiments. The general and field officers have been appointed, and in all the regiments (except the regiment composed of the counties of Henry & Jefferson, from which no company officers have been reported) company officers have been recommended and commissioned. Some of the regiments are organized entire, and others partially so; but no return

of the numerical strength of the militia of any of the regiments have yet been received by the Adjutant General. By reference of the report of the ordinance department, it will be seen, that no arms can be drawn from the United States until our militia organization is completed, and the numerical strength reported to the Adjutant General of the United States. The tardiness in completing the organization of the militia may in a great measure be attributed to a want of correct knowledge of the militia laws of the Territory. I therefore suggest the propriety of causing the militia laws of the last session of the Legislative Assembly, together with such parts of the Wisconsin laws as are s[t]ill in force, to be printed in pamphlet form, and distributed among the militia officers of the Territory; and that additional provisions be made to cause prompt and full returns of the numerical strenght of each regiment, to be transmitted to the Adjutant General of the Territory, to be by him transmitted to the Adjutant General of the United States, so that in apportioning the public arms under the act of 1808 the Territory of Iowa will receive her full portion of the same.

The attention of the Legislative Assembly is solicited to the subject of adopting a regular system of finance for the Territory. To effect this it will be necessary to create the office of Auditor of Public accounts, whose duty it shall be to audit all claims against the Territory, and on whose warrant all moneys appropriated by law shall be drawn from the Treasury of the Territory. By our present laws, the office of Territorial Treasurer is created, but there is no law in force to define his duties, or to point out the manner in

which public moneys are to be paid into the Territorial Treasury; or when money may be in the Treasury how it may be drawn out of it.

The first section of the supplementary act to locate the seat of government declar[e]s that a sale of lots in the town at the seat of Government, shall be held under the direction of the commission[er]s, the proceeds of which shall go into the Territorial Treasury to be expended as may be hereafter directed by law.

I respectfully recommend the passage of a law regulating a system of finance within the Territory, in which the powers and duties of the Treasurer may be defined. In which he would be required to receive and disburse all public funds, belonging to the Territory, as well as those appropriated by Congress for erecting public buildings, as the funds that may be collected under the Territorial laws. A well regulated system of finance would relieve the Territory from embarrassment in its fiscal opporations, and would lead to economy in public disburs[e]ments, which is an object that should never be lost sight of, by all public functionaries.

The act of the last session to prevent gambling, approved 25th of December, 1838, contains efficient provisions, and if faithfully executed must ultimately tend to check those pernicious practices within the Territory. But the demon of Intemperance seems to stalk through of [our] land unmolested, and indeed fortified in many respects behind the license law of the country. The principal of raising a revenue from license to vend or retail intoxicating drinks appears to me to partake much of the character of legalising indul-

gencies to commit crime. The vender of ardent spirits or other intoxicating drinks, though it may be legalised by license, is, in my opinion, morally accountable for all crimes and wretchedness produced by the use of such ardent spirits, or other intoxicating drinks vended by them, whether wholesale or retail The philanthropist and statesman of late years considered intemperance one of the greatest evils that pervade our land. It is considered the cause of more wretchedness, crime & death, than any other cause whatsoever, and many of the states have interposed the strong arm of the law to check its progress. But when we consider that our government and laws are under the control of public opinion, I have, after much reflection, been led to the conclusion that the most effectual mode to surpress this greatest of evils—(intemperance) would be to submit it entirely to the control of public opinion. I therefore seriously solicit the attention of the Legislative Assembly to the subject and recommend to their consideration the passage of a law repealing all laws now in fource in the Territory, that authorise granting license to vend or retail ardent spirits, and leave the subject entirely under the control of public opinion, holding the keepers of public houses and groceries accountable under heavy penalties for permitting drunkenness or disorder about their respective houses. This, in my opinion, would give a fatal check to the practice. The whole moral influence of the community would in a short time be brought to bare upon it, and being without the support of legal license, would ultimately sink under the weight of public opinion. But should the foregoing

recommendation be deemed inexpedi[e]ñt, I would suggest an alteration in the laws, so that no license to retail ardent spirits or other intoxicating drinks, should be granted by any authority in any county within the Territory of Iowa, unless a majority of the legal voters in such county, should vote in favor of granting such license at their respective annual elections. This principal has been adopted by some of the states, and has been spoken of as highly beneficial in its effects. It is in strict accordance with the spirit of our institutions, that a majority of the qualified voters in the respective counties should determine on questions of policy that are so intimately connected with their interest and future prosperity.

The foregoing suggestions are respectively submitted to your consideration, under a confident belief that you will give them the consideration that is due to the importance of the subject

By the provisions of the act of Congress, approved June 18. 1838, entitled "an act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa west of the Mississippi river, which divides it from the state of Missouri; and that for that purpose he has [been] authorized to appoint a Commissioner on the part of the United States, who should unite or act in conjunction with a Commissioner to be appointed by the Governor of Missouri, and a Commissioner to be appointed by the Governor of the Territory of Iowa, in running, marking and ascertaining said boundary line; and it was made the duty of the Commissioner to be appointed by

the President to make a full report of his proceedings in the premises to the Secretary of State of the United States. Under the provisions of said act, Albert M. Lee[1] Esq[r] was appointed a Commissione[r] on the part of the United States, and Dr. James Davis was appointed a Commissione[r] on the part of the Territory of Iowa. The Governor of the state of Missouri declined to appoint a Commissione[r] on the part of that state. The law declares that if the state of Missouri and Territory of Iowa should fail to appoint Commissioners, or if the Commissione[r]s appointed by either or both should fail to attend to the duty after reasonable notice, that the Commission[er] on the part of the United States should proceed to execute the duties enjoined with either of said commissione[r]s, who might attend, or without the attendance of either or both of said Commissione[r]s. The law further declar[e]s, that the line so run, ascertained and marked, should not [be] deemed to be finally established and ratified by the United States until the Map or plat and descriptions aforesaid, and also, the said report of the Commissione[r]s, should be submitted to, and the boundary as thus ascertained and marked approved of and ratified by the Congress of the United States.

The Commission[er] appointed on the part of the United States, in conjunction with the Commissione[r] on the part of the Territory of Iowa, proceeded to the discharge of their duties, and submitted their reports in accordance with the requisition of the law, and in obediance to a resolution of the House of Representativ[e]s on the 30[th] day of Janu-

[1] This name should be spelled, Lea.—EDITOR.

ary last. The report of the Commissioné[r] on the part of the United States was submitted to Congress by the Secretary of State, but not being finally acted upon before the adjournment of Congress, it now awaits the final action of Congress thereon at the ensuing session. After this report was submitted to Congress, the Legislature of the State of Missouri passed an act declaring the line run by their own Commission[er]s in 1837, to be the northern boundary of that state. This act was dated, according to the Proclamation of the Governor of Missouri, on the 16th of July 1839. This Missouri act appears to have been passed in defiance of the proceeding[s] of Congress, and in direct contravention of their acts, and under the provisions of which the authorities of that State have attempted a *tortious* jurisdiction over a portion of this Territory within the county of Van Buren, and on which the Territory of Iowa has since its organization exercised an unmolested jurisdiction.

The unwarrantable and unjustifiable proceeding of the authorities of Missouri, and their attempt to levy and collect taxes from the citiz[e]ns of the United States residing within the organized boundaries of this Territory, has caused an ex[c]itement of feeling, that may ultimately lead to the effusion of blood.

It becomes our duty to ma[i]ntain the jurisdiction of the United States over all the Territory embraced within the boundaries of the Territory of Iowa at the time of its Organization, until Congress establish the line. This duty cannot be dispensed with by the authorities of the Territory, acting as they do under the laws of the United States.

They are bound to ma[i]ntain their supremacy, and cannot compromise or yield the jurisdicti[o]n of the U. S. in any way or manner whatever.

In order that the Legislative Assembly may have a full view of this ex[c]iting subject, I transmit, with this message, to the House of Representatives, all documents in posses[s]ion of the Executive, that can cast light on the subject, with a request that they may be communicated to the Council, and receive the prompt attention of the Legislative Assembly, more especially the report of the Adjutent General contain[e]d in No. 16. (Having no copies I send the Originals, and request that they may be preserved by the Legislative Assembly, to wit: Documents Nº 1 to 18, inclusive)

In concluding this communication, I will suggest to the Legislative Assembly the propriety of again memorializing Congress to grant to this Territory for literary purposes a quantity of land equal to the grant made to Wisconsin. It seems to me that Congress will not withhold from Iowa, the same liberality that has been bestowed upon other Territories, if properly pressed upon their consideration.

That your deliberations on all subjects touching the general interests of our country, and the prosperity and happiness of our constituents, may be crowned with success is the ardent wish of

Your obed[i]ent Servent

Robert Lucas

Burlington, November 5. 1839.

[*Recorded by X*_____]

Executive Department I. T.
Burlington, Nov. 6. 1839

Sir,

It becomes my meloncholy duty to communicate to you the death of William B. Conway Esq[r] Secretary of the Territory of Iowa. Mr. Conway died of a congestive fever in this city about One oclock this day.

Verry respectfully
Your ob[t] Ser[t]
Robert Lucas.

Hon. John Forsyth
Secretary of State U. S.
Washington City

[*Recorded by X*_____]

Executive Department I. T.
Burlington November 6. 1839.

To the Honorable House of Representatives of the Legislative Assembly:

Gentlemen:

On the evening of the 25[th] of January last, after the Legislative Assembly had closed its session, and many of the members left the city; the following described enrolled bills was presented to me for approval, but being objectionable in some of their provisions, the adjournment of the Legislative Assembly; deprived me of the opportunity of making my objections know[n] to that body.

Consequently the bills were filed in the Executive office without my signature, and are now transmitted to the House of Representatives, the branch of the Legislative Assembly in which they originated in order that such proceedings may be had thereon as may be deemed advisable by the present Legislative Assembly.

The first is a bill entitled "An act concerning the repeal of statutes." The bill if it had been approved would have repealed all laws of a general nature heretofore passed by the Legislative authorities of Michigan and Wisconsin, and now in force in this Territory, which would have left us without law in many important cases towit; The law regulating marriages would have been repealed and we would have had no law in force in this Territory on that as well as many other important subjects. The second is a bill entitled "An act to provide for the compensation of printers of the Legislative Assembly and for other purposes["].

On an examination of this act, it appears to be a general approp[r]iation bill, in which are contain[e]d some approp[r]iation[s], that in my opinion, are in contrevention of the laws of the United States, and consequently could not rec^{e} the approval of the Executive.

The 3^{d} section of the act of Congress making approp[r]iations of the civil and diplomatic expenses of the government for the year 1839, declares "That no officer in any branch of the public service; or any other person, whose salary or whose pay or emoluments is or are fixed by law and regulations shall receive any extra allowance or compensation in any form whatsoever for the disburs[e]ment of

public money, or the performance of any other service, unless the said extra allowance or compensation be authorised by law." The objections of the Executive are confined to such allowances as he believes to be in voilation of the aforesaid act of Congress. The suggestions together with the bills, are respectfully submitted to the consideration of the Legislative Assembly. Any special objections are deemed inadvisable at this time, as the bills will consequently be acted upon *de novo* by the Legislative Assembly.

Verry respectfully
Your Obt Sert.
Robert Lucas.

[*Recorded by X*_____]

Executive Department I. T.
Burlington, Nov. 16. 1839

To the
Hon. Levi Woodberry
Secy of the Treasury U. S.

Sir,

I herewith transmit an estimate of the Superintendent of the Iowa Penitentiary, dated the 9th Inst.—estimating the probable expenditure on that work for sixty days next ensuing the date thereof, which estimate has been approved and endorsed by the directors.

I therefore in compliance with their request solicit that a check on the State Bank of Missouri or Receive[r] of public moneys at this place may be forwarded to Amos Ladd,

the Superintendent of said Penitentiary, for $2775.00—the amount of the estimate to be paid out of the appropriation made by Congress in the act approved 7th of July 1839—"for the erection of public buildings in the Territory of Iowa."

Verry respectfully
Your. Obt Sert.
ROBERT LUCAS

[*Recorded by X*_____]

Executive Department I. T.
Burlington, Nov. 19. 1839.

To the
Hon. House of Representatives
Gentlemen;

I have this moment received your Resolution of this date in the following words: "Resolved, That his Excy. the Gove[r]nor, be requested to furnish this House with the dates of the several Sheriffs commissions by him issued throughout the Territory."

Feeling a willingness at all times to furnish the House of Representatives with any information in my possession that may be satisfactory to them—I herewith, transmit by the bearer of your Resolution a list of the several Sheriffs commissioned by me within the Territory together with the date of the several commissions viz:—

Lee county, Braxton W. Gillock—	18th July[1]	1839
Van Buren County Henry Heffleman	18th July[1]	1839
Des Moines Co. James Camron	18th July[1]	1839
Henry County Samuel Smith—	18th July[1]	1839
Jefferson Co. Fredrick F. Lyon	18. July[1]	1839
Resigned 17th Sept. James L. Scott Comd	18 Septr	1839
Louisa County—Cavil M Mc Donald	18 Jany.	1839
Musquatine Co. James Davis—	18 Jany.	1839
Washington Co. Milo Holcomb	18 Jany.	1839
who failed [to] qualify & was reappointed	11th Sept.	1839
Johnson County, Saml Trowbridge—	18 Jany.	1839
Scott County, Adrian Davenport	28th Jany	1839
Cedar County—George McCoy	18 Jany.	1839
Linn County—Socrates Tryon	18 Jany.	1839
who declined and W. Gray was appointed	10 July	1839
Jones County—Hugh Brown	18th Jany	1839
Jackson County—Wm A. Warren	18th Jany	1839
DuBuque County—Geo. W. Cummins	18 Jany	1839
Clayton County—John W Griffith	18 Jany	1839

Verry respectfully

Your Obt Sert.

Robert Lucas.

N. B. Elisha E. Edwards, was on the 22d day of Septr 1838, Commission[ed] Sheriff of Cedar Co. & Braxton W. Gillock on the 24th of Septr 1838, comd Sheriff of Lee Co. w[h]ose coms expired at the close of the last session of Legc Assembly.

[1] Probably January instead of July.—Editor.

[*Recorded by X*_____]

Executive Department I. T
Burlington, November 19. 1839

Sir,

It is with pleasure I acknowledge the receipt of your letter of the 21st uto. informing me "that in conformity with promise contained in the letter of the acting Secretary of War to me of the 7th of August last: my application for a supply of Coopers tactics and regulations for the information and instruction of the Officers of the Militia of Iowa," had been laid before you since your return to the seat of government—and you had the pleasure to informe me that fifty copies of the wourk would be immediately forwarded to me through the Quarter Master of the Army."

This number will aid us in laying a good foundation for the instruction of our Militia. It will furnish each gene[r]al and field Officer with a copy, and if our Militia should attain to that perfect organization that is desired, a correct knowledge of di[s]ciplin[e] and tactics may be diffused throughout the whole body by the active exertions of their officers.

I meet with much difficulty in effecting the organization of our Territorial Militia. It appears to be attended with extreme difficulty to prevail on men of competent military abilities to accept of commissions as company Officers—tho' I trust this will ultimately be accomplished.

I suggested in my letter of the 9th of July last, the establishment of a depot of public arms and munitions of war at some central point on the Mississippi River in this Terri-

tory for the use of the Militia in case of need. The chief of the Ordenance Department to whom my letter was refer[r]ed, suggested Fort Armstrong and Prairie du Chain as proper locations for depots of arms.

I would suggest Fort Armstrong on Rock Island as a suitable place for a deposit of arms for the use of the Militia of this Territory. It is a centreal position on the Mississippi River, at the foot of the upper rapids, and is a point from which arms and munitions of war could be as conveniently dispa[t]ched to the different parts of the Territory as any other point on the River.

Should the Department determine on on establishing a depot of arms and munitions of war at Rock Island for the benefit of the inhabitants of the Territory in case of need, I would suggest the propriety of placing in deposit at that place a large portion of Halls Carbin[e]s, Horsemens rifle pistols, Holsters and cartrage boxes complete, with a due portion of sabers and Rifles for Riflemen, with all the necessary equipages—and a few pieces of cannon for light artillary. The particular number of each kind of arms I will not attempt to designate to the Department, but I am fully satisfied that if we are under the necessity of using the arms in defense of the Territory it will be against the Indians on our western and northwestern borders. When we consider the war like habits of these tribes of Indians—their expert horseman ship—and the open prairi[e] country they inhabit I am convinced that should a war brake out with them that they could be most successfully persued on horseback, and that it would be the best policy of government on the com-

mencement of hostilities with these tribes to reduce [them][1] at once to unconditional subjection, and give them no time to form a confederation with other Indians. At present our neighboring Indians appear to be friendly disposed, and I think they will continue friendly to the inhabitants so long as they are at war with each other, but should the confederated tribes of Sac & Fox Indians on our western border become friendly with the various tribes of Sioux on our north west—the restless warlike character and disposition of these Indians would lead us to expect difficulties with them, and should admonish us to be prepared for such a contingency.

With since[re] respect
I am Your Ob[t] Sert.
ROBERT LUCAS

Hon J. R. POINSETT
Secy. of War
Washington
City.

[*Recorded by X*_____]

Executive Department I. T
Burlington Nov. 20[th] 1839

To the
Hon. Committee of the Council on the Territorial Library:

Gentlemen,

In compliance with the Resolution of the Council of the 18[th] and your communication of the 19[th]

[1] This word was inserted later, probably by Governor Lucas.—EDITOR.

Inst. I herewith transmit to you a genéral abstract of the expenses of the Territorial Library marked "A", and a catalogue of the Books and maps in the Library marke[d] "B". I also submit to the inspection and examination of the committee the original invoice of the purchases made—together with my correspondence with the Secretary of the Treasury, and agent employed in making purchases under my direction.

Verry respectfully
Your Ob[t] Sert.
Robert Lucas—

[*Recorded by X*_____]

Executive Department I. T.
Burlington Nov. 23, 1839

Dr. Sir,

I acknowledge with pleasure the receipt of your communication of the 22[d] Inst.

You are entitled to the approbation of every citizen of Iowa for the prompt discharge of duty in arresting the sheriff of Clark Co. Missouri for a voilation of the laws within the legitimate bounda[r]y of our Territory.

It does not come within the scope of Exe[c]utive duties to direct proceedings in judicial cases. By referance to the 21[st] sec. of the act defining the duties of sheriffs &c—(Iowa statutes page 446) the district Judge is authorized to grant certain privilages, which Judge Mason has done—and his

order is herewith transmitted to you. Under this privilage granted by the Judge you may remove the prisoner to any part of Van Buren county—and keep him under such guard as you may direct.

There will be a bill presented to the Legislative Assembly on Monday next to authorize the removal of prisoners to any part of the Territory for safe keeping. This bill will doubtless pass both Houses, and in all probability will become a law on the same day it is presented. Provisions will be made in it to meet the case under your consideration —and you will then be authorized to remove the prisoner to Bloomington or any other place within the Territory you may see proper.

The Marshall of the United Stat[e]s will start to your place on tomorrow You will probably receive some communications by him.

You may rest assured that that your proceedings meets with my entire approbation.

Very respectfully
Your Obt Sert.
Robert Lucas

Henry Heffleman Esq
Sheriff of Van Buren Co
Iowa Try

[*Recorded by X*_____]

Executive Department, Iowa Ter^{y}
Burlington, Dec^{r} 6. 1839

To the Marshal of the U. S.
for the Territory of Iowa:

Sir:

I acknowledge the receipt of your report of the 4th inst.—together with the written opinion of the district Attorney of the U. S. for this Territory—also, your communication of this date,—and after a mature consideration of the contents, I have issued an order in accordance with your request of this date to the respective Major Generals of the Territory, commanding them to use the most prompt and effic[i]ent means under their control, to furnish you from time to time with such force as you may deem necessary to enable you to enforce the laws of the U. S. within the Territory of Iowa, and to preserve peace & order within the same. You will perceive by the order issued to the Comm[an]dents of Divisions, a copy of which is herewith handed to you that the whol[e] subject, as to the necessity of the call for an armed force as a Posse comitatus, and the amount of that force is left to your discretion, and when furnished, will be under your control and will act in obediance to your instructions

With a full confidence in your discretion and prompt effici[e]nt action in enforcing the laws of the U. S. within the Territory of Iowa and preserving peace and order within the same, I am

Sir with respect your
Ob^{t} Sert.
Robert Lucas.

[*Recorded by X*_____]

Executive Department I. T.
Burlington, Decr 9. 1839

To the Honorable the Legislative Council.

Gentlemen—

I hereby nominate for your advice and consent Ludlow Pharis Esq to be Major of the 2nd Regiment, 2nd Brigade 1st Division Iowa Militia. Also, John T. Moberly to be Justice of the Peace in and for the county of Jefferson Iowa Ter[rit]ory.

Verry respectfully
Your Obt Sert.
Robert Lucas.

[*Recorded by X*_____]

Executive Department I. T.
Burlington, Decr 9th 1839

Sir.

On the 3d of October last, I transmitted to the State Department for the information of the President of the U. S. a communication giving a brief statement of the controversy forced upon the authorities of the United States within the Territory of Iowa, by the authorities of the state of Missouri relative to the boundary line between the Territory of the U. S. and the state Missouri with sundry documents including facts which would enable the President to form a

correct opinion as to the course and mérits of the controversy, and the true position of the parties at that time.

The subsequent intrusions of the authorities of the state of Missouri upon the citizens of the U. S. residing within the organized limits of the Territory of Iowa and the frequent infractions of the laws of the Territory, as well as the laws of the U. S. within the legal boundaries of the county of Van Buren in this Territory—together with the military menacing attitude assumed by Missouri have impressed upon me the duty of laying the whole subject before the President of the U. S. And considering the tardiness and uncerta[i]nty of the mails, I have this day dispa[t]ched Gen[l] James M. Morgan (the qua[r]ter master General of the militia of the Territory) to Washington City who will present to you this communication, together with sundry documents number[e]d from one to eighteen inclusive—which together with those transmitted with my communication of the 3[d] of October last, will present to your consideration the whole proceedings of the authorities of the Territory of Iowa and those of the United States from the commencement of the controversy to the present time, and to which I would respectfully solicite you attention, as well as the attention of the President of the United States. By a referance to these documents it will be found, that the authorities of the U. S. within the Territory of Iowa, as well as those of the Territory, have acted entirely upon the defensive, and in strict subordination to the civil authority. We considered ourselves bound to exercise jurisdiction to the line commonly known as the old Indian boundary line.

The Territory of Wisconsin exercised an unmolested jurisdiction to this line previsous to the organization of the Territory of Iowa, and the jurisdiction of this Territory under the auth[o]rity of the United States was exercised to this line without inter[r]uption until the late attempt by the authorities of the state of Missouri to usurp a jurisdiction north of that line. This line has been acknowledged by all acts of Congress creating Land Districts, as the northern boundary of the state of Missouri, as well as all the Indian treaties bordering on the northern line of this state. It is the line that has been acknowledged as the dividing line between the jurisdiction of the Surveyor General of Missouri & Illinois—and the Surveyor General of Ohio Indiana Michigan and Wisconsin; and the land over which the state [of] Missouri is now attempting to obtain a tortious jurisdiction was surveyed under the direction of the Surveyor General at Cincinnati Ohio as land as land being within the Territory of Wisconsin, and was reported to the Register of the Land Office at this city and sold under the Proclamation of the President of the U. S. as land lying within the Territory of Iowa, and the citizens of the U. S. from [whom] the state of Missouri is attempting to coerce the payment of Taxes to that state purchased their lands from the United States and settled upon them as lands lying within the Territory of Iowa. They consider therefore that they have a right to claim from the U. S. the protection of their privilages as citizens of the U. S. within this Territory, and be secured against the encroachments from any other authority whatso[e]ver.

The conduct and proceedings of the authorities of Missouri appear to be unexplicable. I was perfectly at a loss to conceive any possible motive to prompt to such a course of proceedings, but the matter has been partly explained by a letter from Dr. Linn a Senetor of the U. S. from the state of Missouri—dated Philadelphia November 9. 1839—addressed to the Editor of the Missouri Argus, and published in that of the 29th a copy of which is now before [me].

The Doctor says, "I am not surprised at our difficu[l]ties with the Indians on our borders, as they were anticipated, as well as the collision with Iowa, growing out of the boundary question. To prevent this last important matter from assuming a political aspect, it would perhaps be better to submit the question to the proper legal tribunals—for after all, it depends upon the construction to be given to an act of Congress. This is thrown out for reflection—the decision of my constituents will govern my action. If Congress had the settlement of this affair, I feel confident that *all* the free states would range themselves on the side of Iowa, and perhaps some of the slave states, from a feeling of jealousy created by the magnitude of our state. Congress cannot *now* fix the boundaries of Missouri, because that body defined them the act authorizing us to form a constitution. Congress may determine the limits of Iowa, and make them conform to the claims of Missouri; but she cannot be permitted to trample upon the law adverted to—Missouri must have her legal and constitutional boundary.

The resemblance in this case to the memorable Ohio and

Michigan controversy is so strong that I flatter myself that we will have the powerful assistance of Governor Lucas, (distinguished for his strict adherence to state rights) in bringing this disturbing question to a satisfactory conclusion to all parties. Altho' the resemblance is very strong between the two cases, there is still a marked difference. Missouri has but four Congressional and Presidential electoral votes; whilst Ohio had twenty-one, with Gov. Lucas as her chief magistrate. It is not unfair to presume that this fordimable phalanx had some *little* influence in the decision of the contest for Territory betwe[e]n her and Michigan. This subject, with that of an efficient and permanent system of protection to our exposed Indian frountier, will doubtless occupy the serious attention of the whole delegation at the e[a]rliest possible period." From an examination of Dr. Linn's letter we are satisfied that the whole proceedings of Missouri has been in accordance with a previous concerted arrangement. The act of the Legislature of Missouri declaring the line run by the commissione[r]s in 1837, to be the northern boundary of that state was not passed until after the report of Lie[u]tenant Lee,[1] the U. S commissioner had been submitted to Congress. The Doctor appears to think that Congress has not the right to settle the question, and states that all the free states would vote in favour of Iowa, and perhaps some of the slave states, from a feeling of jealousy created by the magnitude of Missouri. This I consider not a very high complement to the integrity of the members of Congress. He further states, that Congress

[1] This should read, Lea.—EDITOR.

cannot fix the boundary of Missouri—but may determine the limits of Iowa, and make them conform to the claim of Missouri. This I admit. Congress has undoubtedly the right to define the boundaries[1] of this Territory—but would it be just, to take from this Territory and add to the state of Missouri which is already one of the largest in the Union.

The Missouri senetor states in his letter, "that the resemblance in this case to the memorable Ohio and Michigan controversy is so striking that he flattered himself that they would have the powerful assistance of Governor Lucas (distinguished for his strict adherance to state rights) in bringing this disturbing question to a satisfactory conclusion to all parties—altho' the resemblance is very strong between the two cases, there is still a marked differance—Missouri has but four Congressional & Electorial votes, while Ohio had twenty one—with Govern[or] Lucas as her Chief Magistrate, it is not unfair to presume this phalanx had some little influance in the decision of the contest for territory between her and Michigan["].

My name having been thus g[r]atu[it]ously introduced into this matter by the Honorable senetor from Missouri, I conceive it due to my character as the former Governor of Ohio, as well as the Governor of Iowa Territory, to take a brief notice of the Honorable sen[a]tor, and to show him where there is, and where there is not a resemblance in the present controversy between the state of Missouri and the United States, and the memorable Ohio [and Michigan][1] controversy (as he calls it.)

[1] These words inserted by Governor Lucas.—EDITOR.

The state of Ohio never Contended that she had a right to run a boundary line through the Territory of the United States without the consent of Congress—neither did she ever attempt to run such a line. Ohio only contended for the line expressly defined in her Constitution, and which had been run and marked as the boundary line between the state of Ohio and Michigan Territory by Mr Harris under the direction of the Surveyor General of the United States, and reported by him to the Executive of Ohio as her northern boundary line. Ohio claim[e]d the right to trace and remark this line and to extend her jurisdiction to it. Ohio contended that there could be no controversy between a state and a Territory on the subject of boundary—and that the controversy was between that state and the United States, and that Michigan could not be known as a party in the controversy. She contended that Congress was the only tribunal competent to determine on questions of boundary between a state and Territory of the U. S. and that the judiciary could not exercise jurisdiction in such cases. The reverce of this is contended for by Missouri if we can understand the Honorable Senator's letter. Missouri claims the right to fix her own boundary, and to run it through the Territory of the U. S. without the consent of Congress—She denies to Congress the right to deside in the case further than may be in accordance with her wishes—and seems to think that the judiciary of the U. S. is the competent tribunal to decide questions of boundary, and wishes to press the Territory of Iowa as a party in the controversy. Michigan contended, that as a Territory she was a party to

the controversy relative to the boundary between that Territory and the state of Ohio—She denied to Congress the right to act on the subject, and contended that the question could only be settled by the judiciary of the U. S. The Territory of Iowa, in the present controversy declines being a party. She considers herself entirely under the controle of the General Government and acts entirely under the authrority of the U. S. She considers that Congress is the only compotent tribunal to decide the controversy between the State of Missouri and the U. S. relative to the northern boundary of that state and she denies to the judiciary of the U. S. the right to adjudicate in questions of boundary either between a state and the U. S. or between two sover[e]ign states. She thinks that the constitution of the U. S. gives to the judiciary no such power—and that it would be a power of too great magnitude to be entrusted to that branch of the government that if possessed the judiciary might annul the sover[e]ignty of a state—sover[e]ignty and Territory being inseperable sover[e]ignty cannot exist without Territory, and if the doctrin[e] were acquised in that the Federal judiciary [had the power to][1] adjudicate away a part of the Territory of a sover[e]ign state, they might by the same power adjudicate away the whole, and thereby anull their sover[e]ignty. Such power, I am convinced was never intended by the frame[r]s of the constitution to be vested in the judiciary

[2]If the Hon Senator of Missouri will examine the subject

[1] Inserted by Governor Lucas.—Editor.

[2] The remainder of the document was copied by Governor Lucas.—Editor.

he will find that the state of Missouri is acting upon the same principles that Michigan advanced—and that the Territory of Iowa is control[l]ed by the principles contended for by the state of Ohio, and which were ultimately confirmed by Congress—The Hon Senator refers to my state right[s] principles—I acknowledge that I am in favor of state rights—I think that we should guard with "*Argus Eyes*" all the rights secured to the states by the constitution, while at the same time we should with equal vigilance guard against intruding upon the rights granted by the constitution to the General Government. And in the case under consideration I can never concur with the Hon. Senator *Lin*[*n*] in his consolidation doctrines of vesting the Judiciary of the U S with such enormous power as he seems to contend for—In respect to his allusion to the Congressional and Electorial vote of Ohio. In the present case, I will remind him that Iowa has neither a Congressional or Electorial vote to influence a decision in her favour,—That as far as this Territory is conc[e]r[n]ed she is willing to submit her claims to the calm and dispassionate consideration of the Congress of the United States, and that she is not the least alarmed at the powerful talents that the Hon Sen[a]tors from Missouri will wield against her in the councils of the Nation. How this controversy will end, it is impossible to foretel[l].— Report says that Missouri is embodying a military force to take possession of the district of country claimed by her— The Marshal of the U. S has made a requisition on the different Majors Generals, of the militia of the Territory, for forces to enable him to

enforce the laws of the U. S. and to repel an invasion of our Territory, by an armed force from Missouri.— The air of superiority assumed by the authorities of Missouri; and the menaces of a few reckless characters near the line, has caused an excitement of feelings in the breasts of our citizens which if intruded upon much further, may burst out beyond, the restraint of legal authority— Should the authoriti[e]s of Missouri invade our Territory with an armed force and recommence their depredations, I am apprehensive that blood will be shead, and if blood begins to flow, it is impossible to foresee where the matter will end— Under this state of things, I have concei[v]ed it to be my duty, to submit the subject, to the serious consideration of the Pres[i]dent of the United States, and to solisite, his interference and instructions— Acting as I do entirely under the authority of the United States, I am extremely anxious to receive the instr[u]ctions of the President on this exciting subject, and you may rest assured, that whatever his instructions may be, that they will be promptly attended to by, Your, Vy Obe[die]nt Servant—

Robert Lucas[1]

Hon John Forsythe
Secr[e]t[a]ry of State U. S
Washington City

[1] Autograph signature.—Editor.

[*Recorded by Governor Lucas*]

Executive Departm[e]nt Iowa Tery
Burlington De[ce]mber 18th 1839.

Sir,

In compliance with the request, of the Legislative assembly, of this Territ[or]y, I have the Honor, herewith to transmit to your Ex[c]ell[e]ncy, the enclosed Preamble and joint Resolutions, of the Legislati[ve] assembly of this Terr[i]tory, with a request, that you may transmit, a copy of the same, to the Hon Members in Congress from the State of Missouri, and to solisite their aid in behalf of the appropriation, for the prosecution of the improve[me]nt thereon specified.

With Sincr re[s]pect
I am sinc
Your very
Obt St
ROBERT LUCAS[1]

His Ex[c]ellency
The Governor of the
State of Missouri
Jefferson City

[1] Autograph signature.—EDITOR.

[*Recorded by Governor Lucas*]

Executive Department
Iowa Terry
Burlington December 19th 1839

To the Honorable the House of Representatives, of the Legislative Assembly.

Gentlemen,

There was presented to me for my consideration, on the 17th inst, A Bill entitled "*An Act to create the office of public printer and to define his duties*"—I have carefully examined this act, and approve all its provisions, except the clause that provides for the appointment of the public Printer by "joint ballot of both branches of the Legislature of the Territory"—I have carefully examined the Organic law, and have been unable to reconcile this mode of appointment, with any of its provisions— This law being considered as the Constitution of the Terr[i]tory, any appo[i]ntment made in contravention of its provisions, would be subject to be declared void, by the District Court, on a writ of *Quo Warranto*, which might lead to much litigation and imbarr[a]s[s]m[e]nt to the public. with these suggestions, I return the bill, without my signature,—and respectfully solisite of the Legislative Assembly, a calm and dispassionate consideration, of the 7th Section of the Organic law, relative to the mode of appo[i]nting "civil officers not therein provided for"—

Very respectf[u]lly
Your obed[i]e[n]t Servt
Robert Lucas[1]

[1] Autograph signature.—Editor.

[*Recorded by Governor Lucas*]

Executive Departm[en]t Iowa Terry
Burlington Dec[e]mber 21st 1839

To the Honorable the Legisl[at]ive Assembly,

Gentlemen,

I have received a communic[a]tion from the Executive of the State of New York—transmitting a copy of a law, of that State, relative to the arrest and detention of fugitives from justice, from other States, or Territories, of the United States—which is herewith transmitted for your Consideration—

This Subject appears to be an important one, and deserving of your most deliberate attention.

The original Communication is herewith transmitted to the House of Representatives, with a request, that after its Consideration in that house, it may be transmit[te]d to the Co[u]ncil.

Very respectfully
I am your Obed[i]e[n]t Servt
Robert Lucas[1]

[1] Autograph signature.—Editor.

[*Recorded by Governor Lucas*]

Executive Departm[e]nt, Iowa Territ[or]y
Burlington Dec[e]mber 21st 1839.

To the honorable the House of Representativ[es], of the Legislative Assembly

Gentlemen,

There was presented to me on the 20th instant, for my consideration and approval, a Bill, entitled "*An Act, to provide for the appointment of a Librarian, and for other purposes*"—I have carefully examined this bill, and approve of it, in all its provisions, *excep*[*t*] *the first section, which provides for the appointment of a Librarian by joint ballot, of the Council and House of Representatives;* that being a mode of appointment entirely unprovided for, in the Organic law, I am compel[l]ed under a conscious sense of duty, to withhold from the bill, my assent on that account; and herewith return it to the House of Representatives without my signature—I have been informed that during the discussion of this bill, in the H. R. the act of establishing the seat of Gov[ern]ment, was refer[r]ed to as a *precedent;* for this mode of appointing office[r]s.

My opinion was expressed, to the Legislative Assembly, on that subject, in communications to the H. R. of the 17th and 21st of January last; which will be found in the journals of the House of Representati[v]es, pages (225) and (265) to which I respectfully invite the attention of the Legislative Assembly— The opinions there expressed is still

entertained by the Executive; and however unpleasant it may be to differ with the Legislative Assembly, in opinion; He cannot conscien[tiou]sly yield his assent, to any bill, that he believes, to be contrary in its provisions to the Organic law—

Very respectful[l]y
Your Obt Sert
Robert Lucas[1]

[*Recorded by Governor Lucas*]

Executive Department Iowa Terr[i]t[or]y
Burlington January 2[d] 1840;

To the Honorable Council of the Legislativ[e] Assembly—

Gentlemen. .

I have the honor herewith, to nominate for your advice, and consent, the following named gentlemen, for the respective offices atta[c]h[ed] to their names to wit—

Joseph Westcott to be Judge of Probate, in and for Van Buren County—

James K. Moss to be Judge of Probate, in and for the County of Jackson,—

Ephraim Killpatrick, to be Judge of Probate in and for the County of Henry—

Adrian H. Davenport, to be Sheriff in and for the County of Scott.

[1] Autograph signature.—Editor.

James L. Scott to be Sheriff in and for the County of Jefferson.

Milo Holcomb, to be Sheriff in and for the County of Washington.

Hosea W. Gray, to be Sheriff in and for the County of Lin[n].

Ralph P. Lowe, to be District Prosecutor in and for the Second Judicial District—

All of which is respectful[l]y solicited

Vy respec[t]ful[l]y you[r]

obt Svt

Robert Lucas[1]

[*Recorded by Governor Lucas*]

Executive Department Ia. Tery,
Burlington January 4th 1840.

To the Honorable the Council of the Legislative Assembly—

Gentlemen,

In compliance with your resolution, of the 3rd Insta[n]t, this moment handed to me—I herewith transmit, for the information of the Council—The correspondence, between the Executive, of this Territory, and the Secretary of War on the subject, of Public Arms, Books of Instruction—and the defense of our frontiers— These Documents are nu[m]bered from *one*, to *six* inclusive—

The Books have not yet been received— I have trans-

[1] Autograph signature.—Editor.

mit[t]ed the Original letters, with a request, that after they may have been journalized in the Council, that the originals may be returned to this Dep[ar]t[me]nt.

Very respectful[l]y
Your Obt Sevt
ROBERT LUCAS[1]

[*Recorded by Governor Lucas*]

Executive Departm[en]t Iowa Terr[i]t[or]y
Burlington January 23[d] 1840.

I certify that Dr James Davis, was on the 1[st] day of September 1838, appointed by me a commissioner on the part of the Territory of Iowa, to act in conjunction with the commissioner appointed by the United States, in running marking, and ascertaining the southern boundary of the Territory of Iowa—in pursuance of the provisions of the Act of Congress Entitled "An Act to authorize the President of the United States to cause the southern boundary line, of the Territory of Iowa to be ascertained and marked" approved the 18th day of June 1838,— That he attended to the duties assigned him, in conjunction with A. M. Lee[2] Esqr. The commissioner appointed on the part of the United States, and that he has not received any compensation for his services, there being no funds, under the Controle of the authoriti[e]s of the Terr[i]to[r]y of Iowa, from which he could be paid— I th[e]refore unite with

[1] Autograph signature.—EDITOR.

[2] Should read Lea instead of Lee.—EDITOR.

him, in the request, that an appropriation be made by Congress, to compensate him for the service performed under the aforesaid appointm[e]nt—

(Sign[e]d) Robert Lucas[1]
Govr of Iowa Terr[i]t[or]y

C[e]rtific[a]t[e] on the the
Petition of Dr James Davis,
to Congress, for compensation.

[*Recorded by Governor Lucas*]

Executive Departm[e]nt Iowa Terr[i]to[r]y
Burlington January 29th 1840.

Sir

In complianc[e] with a joint Resolution of the Legislative Assembly, approved the 16th inst[a]nt, requesting our Delegate in Congress to obtain the passage of a law, relative to the election of Governor of this Territory, by the people, I herewith transmit to you a copy of the same, and at the same time assure you, that nothing would give me more individual satisfaction, than to see this amendm[en]t, to the Organic law, therein proposed, take effect.

Vy respectful[l]y I am
obt Svt
Robert Lucas[1]

Hon Wm W Chapman
Delegate in Congress U.S

[1] Autograph signature.—Editor

[*Recorded by Governor Lucas*]

Executiv[e] Depart[me]nt Iowa Terty
Burlington January 29th 1840

Sir

In complianc[e] with the request of the Legislative assembly, I have the honor to transmit to you the enclosed Joint resolution of the Legislative Assembly (the same as above) with the requ[es]t, that it may be laid before the body, over which you preside—

Vry respectfu[ll]y
Yo[u]r obt St
ROBERT LUCAS[1]

Hon. R. M. JOHNSON
President of the S[e]n[a]te U S
copy to
Hon Speak[er] of the H. R. U S

[*Recorded by Governor Lucas*]

Executive Departm[e]nt Iowa Terr[i]t[or]y
Burlington January 27th 1840

To the Honr.

LEVI WOODBURY Se[c]reta[r]y of the Treas[ur]y U. S

Sir

I herewith transmit an estimate of the Superinte[n]-de[n]t, of the Iowa Penitentiary, dated the 9th inst. estimating the probable expenditures on thos[e] works for sixty days next ensuing, which estimate has been endorsed by the Dire[c]tors—

[1] Autograph signature.—EDITOR.

I therefore in compliance with their request, solisite that a check on the state bank of Missouri, or Receiver of Public monies, at this place, may be forwarded to Amos Ladd, the superintendent, of said Penitentiary, for $4200 four thousand two hundred Dollars, the amount of the estimate to be paid, out of the appropriation, made by Congress in the act, approved 7th July, 1838. for the erection of public buildings in the Territory of Iowa—

Vy respectfu[l]ly
You[r] obt Svt
ROBERT LUCAS[1]

[*Recorded by Governor Lucas*]

Executive Department Iowa Terr[i]to[r]y
Burlington January 29th 1840.

Extract from the Act entitled "An Act, Supplementary to An Act, to locate the Seat of Government of the Territo[r]y of Iowa—and for other purposes"—approved the 27th of January A D 1839—

"Section 4 Be it further enacted, that the Governor is hereby authorised, to apply to Congress for a donation of, or a preemption to four sections of land on which to locate the Seat of Government of the Terr[i]t[or]y of Iowa, and also to draw from the Treasury of the United States the sum of Twenty thousand Dollars, appropriated by Congress to be expended in the erection of public buildings, and also such

[1] Autograph signature.—EDITOR.

other sums of money as may hereafter be appropriated for like purpose, and the said Governor, is hereby required to pay the same, to the acting Commissioner after he shall have given bond, as required in the second section of this act."

Memorial—

To the Honorable the Senate, and House of Representatives, of the United States of America, in Congress assembled.

The under signed memorialist, in behalf of the Territory of Iowa, and in compliance with the provision of the 4th section of the Act of the Legislative assembly, as above stated,—*respectfully sheweth* That the Commissioner appointed under the authority of the Legislative assembly, to locate the Seat of Gov[ern]m[e]nt, for the Territory of Iowa, did select Section number ten, (10) in Township nu[m]b[e]r Seventy nine (79) in Range nu[m]b[e]r six, (6) west of the fifth principle Meridian, and that they caused the said section, of land, to be laid out, into a city plat, by the name of *Iowa City*—That a number of lots, in said City, have been sold under the authority of said Commissioners, to Individuals, and that contracts have been entered into, for the erection of public buildings in the said City, as the Seat of Gov[ern]ment of the Territo[r]y of Iowa.

Your memorialist therefore respectfully prays—that your Honorab[le] body, would grant to the Territory of Iowa, a right in fee simple to the section of land, on which the Seat of Gov[ern]m[e]nt, is located as aforesaid. And also that your Honorabl[e] body, would grant unto the said Terri-

tory of Iowa, three additional contigious sections of land, to be selected by the commissioners of public buildings, to be disposed of under the authority of the Legislative assembly and the avails applied, to the support of Common Schools, or to the erection of public buildings, as the Legislative assembly may by law direct.

And your memorialist, in behalf, of the Territory of Iowa, and in discharge of the duty enjoined on him, by the Legislative act aforesaid, will ever pray—&c—

ROBERT LUCAS[1]
Governor of the Territ[or]y of Iowa

Executive Departm[e]nt Iowa Terr[i]t[or]y
Burlington January 29th 1840.

Sir

I herewith enclose to you, a memorial of the Legislative Assembly, praying for the passage of a law, to authorise the sale of the contigious sections, to the Seat of Governm[en]t, at Iowa City— Also a Memorial of the Governor of the Territory, forwarded in compliance with the requisition, of the act, of the Legislative Assembly, solisiting of Congress, a donation of four sections of land, on which to locate the Seat of Gov[e]rnm[en]t— You will perceive that I have prefaced, the memorial with an extract, of the law, containing the section, that made it my duty, to make such an application.

A memorial in compliance with that section of the law, was forwarded to Congress at their last session, but it was at

[1] Autograph signature.—EDITOR.

too late a period to receive their action— I have therefore considered it my duty, to forward to your care a memorial to the present Congress, with a request, that you will present the same, and use your best exertions, to obtain for the Territory, the grant of land specified in said Legislative Act.— The restrictions, to the grant, made in the act, of last session, are such as to embarres the improv[e]m[en]ts at the City— If the contigious sections, are reserved, from sale, as special Congressional reserves, which will be the case, if the Section granted is accepted under that act— If the Territory could obtain a grant in fee simple, to four sections, with authority, to dispose of them, in such manner as the Legislative assembly might direct, they would of course, be sold out in small tracts, and in a short time, would be brought under cultivation, which would add much to the prosperity of the City—

The foregoing suggestions, ar[e] respectfully submitted, to your consideration—

V[e]ry respectful[l]y

Hon. I am sin, your

Wᴹ W. Chapman obt Servt

Delegate in Congress Robert Lucas[1]

[1] Autograph signature.—Editor.

[*Recorded by Governor Lucas*]

Executiv[e] Departm[en]t Iowa Terr[i]t[or]y
Burlington February 3d 1840.

Sir,

In compliance with the request of the Legislative Assembly, I have the honor to transmit to you, the enclosed memorial and Resolutions of the Legislative Assembly, passed at the late session (being Eight in number) These memorials, and Resolutions, now transmitted to you, include all, that were passed, at the late session, that have not been heretofore transmitted.

Vy re[s]pectful[l]y
Yo[u]r obt Svt
ROBERT LUCAS[1]

Hon
WM W. CHAPMAN
Delegate in Congress

[*Recorded by Governor Lucas*]

Executive Department, Iowa Territ[or]y
Burlington February 14th 1840.

Sir,

I received by last mail, your communication of the 7th ultima, requ[e]sting the transmission, for the use of the Congressional Library, all reports, and documents, in my possession relativ[e] to the Geoligy, and Minerology, of this Terr[i]tory—

In reply to your request, I will state, that I have no reports, or docum[e]nt in my possession, on those subjects—

[1] Autograph signature.—EDITOR.

A report of the Geological Survey of the northern part of this Terr[i]tory, made last fall, by Professors *Aurn* and *Lock* [?] has not been made to this Departm[en]t— The report will doubtless, be made to the proper Departm[e]nt at Washington City,—and will contain much important information—

With sin. respect
I am sin your very obt Servt

Ho[n] Asbury Dickens
Secretary of the Senate U. S.

Robert Lucas[1]

[*Recorded by Governor Lucas*]

Executive Departm[en]t Iowa Territory
Burlington March 21st 1840.

Sir,

I have the honor to transmit herewith, a Copy of An Act of the Legislative assembly of the Terr[i]tory of Iowa, Entitled "An Act, to locate the Seat of Government of the Terr[i]t[or]y of Iowa, and for other purposes," Also "An Act, supplementary to An Act, to locate the seat of Governm[en]t of the Terr[i]t[or]y of Iowa and for other purposes" Approved January 21st 1839. Together with an estimate, of the Commissioners appointed in said Act, to locate the Seat of Government in the Territory of Iowa, and to superintend the public buildings within the same. Dated the 16th instant. Estimating the several sums, required for materials and labour for sixty days next ensuing

[1] Autograph signature.—Editor.

the date of said estimate—amounting to the sum of Fourteen thousand, six hundred, and forty Dollars, (14,640). I therefore in compliance, with the request of said commissioners respectfully solisite, that you would cause a check to be issued on the state bank of Missouri, or on the Receiver of public Monies at this place, in the name of Chauncey Swan, the Acting Commissioner, of Public buildings, at the Seat of Governm[en]t in the Territory of Iowa; to be paid, out of appropriation made by Congress; of Twenty thousand Dollars, as specified in the 13th section, of the Act Entitled "An Act, to Divide the Territory of Wisconsin, and to establish the Territorial Govern[men]t of Iowa," approved June 12th 1838, to be applied to defray the expenses, of erecting Public buildings at the Seat of Governm[en]t—By a reference to the 4th section, of the supplementary act, of the Territorial Legislature, a copy of which is herewith transmitted; you will perceive, that it is made the duty of the Governor, of the Territory, to draw on the Treasury of the United States, for said appropriation. My letter to you of the 29th of April, 1839, will explain the reason, why the appropriation above refer[r]ed to, and that made in the act of the 7th of July 1838—have been drawn for under different Legislative acts—

Very respectful[l]y
I am you[r] obt Svt
ROBERT LUCAS[1]

Hon.
LEVI WOODBURY,
Se[c]retary of the Treasury;
U. S. Washington City.

[1] Autograph signature.—Editor.

[*Recorded by Governor Lucas*]

Executive Departm[en]t Iowa Terr[i]t[or]y
Burlington May 4th 1840

Sir,

The 11th section, of the Act, to provide for the appointment, and duties, of auditor of public accounts, and regulating the duties of Territorial Treasurer," approved January 7th 1840, declares that the Treasurer shall whenever directed by the Governor, give an additional bond, with two or more securities, to be approved by the Governor, in any amount not exceeding fifty thousand Dollars conditioned, (as specified in said section) Under the regulation of the Treasury Departm[e]nt of the U. S. the sum of Twenty thousand Dollars, appropriated by Congress, for the purpose of erecting public buildings at the Seat of Gov-[ern]ment, will pass through your hands, as Territorial Treasurer— I therefore in compliance with the duty, enjoined upon me, have to request that you give bond, as required in the section above referred to, in the sum of forty thousand Dollars.

Your early attention to the foregoing—is respectfully required by your friend,

and vy Hmbl Svt
Robert Lucas[1]

Thornton Bayless Esq
Treasurer of Iowa Territory

[1] Autograph Signature.—Editor.

[*Recorded by Governor Lucas*]

Executive Department Iowa Terr[i]tory
Burlington April 7th 1840.

Sir

I received your letter of the 4th instant by Captain Smith of the steam boat Brazil— I regret extremely to hear of the transactions in Jackson County, detailed in your letter— It reflects a disgrace upon our Territory: and I trust that the persons who may be found guilty of so great a violation of the laws of the territory may ultimately receive the punishment the law prescribes—but this is a subject that is entirely under the Controle of the Judicial Branch of the governm[e]nt. The laws gives the judiciary the power, to, enforce obedience to its mandates by fines and penalties. The Executive branch has no such power— The Executi[v]e may issue his Proclamation but he has no power to enforce it. He has neither, funds, men, arms, or am[m]unition, under his controle. The law vests, the Civil Ministerial officers with the power of the County, and the judiciary is vested with power to impose fines and penalties for disobedience to their commands.

However desirous I may be, to check such outragious proceedings—yet I see no way, in which an Executive interference, could be of any benefit.

The duty is devolved upon you as the *District Prosecutor*, to bring the subject before the proper judicial tribunal, for investigation, which I trust will be promptly and efficiently done.

The account of this disgraceful affair, as published in the

Iowa Territorial Gazette of the 4th inst differs materially from the one given in your letter.

How far these accounts may be correct I do not pretend to decide but one thing is certain, (that is) that a most disgraceful outrage, has been committed upon the laws of the country, by *some body* and it becomes your duty, as the legitimate prosecuting officer to have the subject, impartially and vigilently investigated—and to cause the guilty persons, who ever they may be, to be prosecuted and brought to Justice— This should be done, without prejudice, or favour, to any one, but with a single Eye to the maintenance of the supremacy of the laws.

With sincer[e] r[e]sp[ec]ts I am

J. V. Berry Esq[r]
District Prosecutor of
The 3[d] Judicial District.
Du Buque

Your obt Sert
Robert Lucas[1]

[*Recorded by Governor Lucas*]

Ex[e]cutive Depart[me]nt Iowa Tery
Burlington June 12th 1840.

Sir,

I respectful[l]y solisite, that you would cause to be transmit[t]ed to me, as soon as conveni[en]t, a check on the Receiver of Public mon[i]es at this place, for the sum of three hundred and fifty Dollars, being the amount, appro-

[1] Autograph signature.—Editor.

priated to be expended by the Governor; to defray the conting[e]nt expenses of the Territo[r]y for the year 1840.

Vy respectfu[ll]y you[r]
obt Svt

Hon Levi Woodbury — Robert Lucas[1]
Secret[a]ry of the Treas[u]ry U S
Washington City

[*Recorded by Governor Lucas*]

Executive Department, Iowa Terr[i]t[or]y,
Burlington, June 12th 1840.

The Hon Levi Woodbury,
Secreta[r]y of the Treasury U. S.
Sir,

I herewith transmit our estimate duly made and approved by the Commissioner of Public buildings, at the seat of government, in this Territory, for the sum of five thousand three hundred and sixty Dollars ($5,360) being the balance of the appropriation of $20,000—made in the 13th section of the Act of Congress, approved June 12th 1838: Entit[l]ed "*An Act to divide the Territory of Wisconsin and to establish the Territorial Govern[men]t of Iowa*" for which sum you are respectfully solisited to draw a check or warrant to be drawn on the Receiver of Public monies, at this place, and transmit the same to me, as soon as conveni[en]t.

[1] Autograph signature.—Editor.

I also transmit to the Departm[en]t, a Receipt given by the Treasurer of the Territory, on my endorsing to him, the check for $14,640, that was transmitted to me on the the 14th of April last. This sum has been subsequently paid by the Treasurer, on the proper vouchers, presented to him by the Commission[er] of Public buildings.

Vy respectful[l]y
I am your obt Svt
ROBERT LUCAS[1]

[*Recorded by Governor Lucas*]

MESSAGE AT SPECIAL SESSION

To the Honorable the Council, and House of Representatives, of the Legislative Assembly.

Gentlemen

Having convened in pursuance of a Special Legislative Act, of the 15th of January last, I conceive it to be my duty, to lay before you, such information and to suggest for your consideration such subjects as may be required by the public interests, to occupy your attention during your session.

By the 5th section of "An Act, to provide for the erection of a Penitentiary, establish and regulate prison discipline for the same"—Approved January 25th 1839—it was made the duty of the Governor to draw from the Treasury of the United States, the sum of Twenty thousand Dollars, appro-

[1] Autograph signature.—EDITOR.

priated for the erection of public buildings in the Territory of Iowa, by an act of Congress, approved July 7th 1838, and to pay the same over to the Superintendent, to be used by him for the purchase of material and pay of workmen and labour necessary to erect said buildings.

The whole of this appropriation has been drawn for on estimates furnished by the Superintendent, approved by the Director:—and I presume it has been judiciously expended by them. I have not been offic[i]ally informed as to the condition of the work, or the situation of the convicts that have been sentenced to the Penitentiary:—but presume that the Directors will lay the whole facts specifically before you during your session:—which in all probability will requ[i]r[e] some immediate legislative action, I therefore respectfully invite your attention to this subject.

By the 4th section of the "Act Supplementary to an act, to locate the seat of governm[en]t of the Territory of Iowa, and for other purposes," approved 21 January 1839, it was made the duty of the Governor, to draw from the Treasury of the United States, the sum of Twenty thousand Dollars, appropriated by Congress in the 13th section of the Organic law, approved June 12th 1838—to be applied by the Governor, and Legislative Assembly, to defray the expenses, of erecting public buildings at the seat of governm[e]nt.

On an estimate furnished by the Commissioner of public buildings, dated March 16th 1840, a requisition was made on the Treasury of the United States, for the sum of fourteen thousand, six hundred, and forty Dollars, which sum was received in a draft, on the Receiver of public monies at this

place; made payable to my order. On the receipt of this draft, I endorsed it, to *Thornton Bayless*, the Treasurer of the Territory; who drew the money from the Receiver, and paid it over to the acting Commission[e]r of public buildings, on proper voucher produced by him.

On the 8th of June last an estimate was forwarded to me, by the Commissioner, for the sum of five thousand three hundred and sixty Dollars, being the ballence of the appropriation of twenty thousand Dollars. This estimate was immediately forwarded to the Secret[a]ry of the Treasury of the United States, with a requisition for a draft, on the State Bank of Missouri, or the Receiver of public moneys at this place. The draft on this last requisition, has not yet been received. When received, it will be immediately placed in the hands of the Treasurer of the Territory, to be paid over, to the acting Commissioner of public buildings, on the production of proper vouchers by him. Thus the whole of the funds appropriated by Congress, for the erection of public buildings in this Territory, amounting to Forty thousand Dollars, have been drawn for.

The appropriation of Twenty thousand Dollars that has been applied, to the erection of public buildings, at the seat of government, with the aid of the funds, that may be obtained from the sale of lots in the City of Iowa, if judiciously managed will in my opinion be amply sufficient to complete the public buildings in accordance with the plan adopted by the Commission[ers]—and leave a surplus, to be applied to other public improvements—

But to avail ourselves of all the advantages to be derived

from the sale of lots in the City plat, it appears to me, that the laws that relate to the sale of said lots should be revised. I therefore, respectfully suggest to the consideration of the Legislative Assembly, the passage of a law, fixing an average minumum price upon the lots say from two to three hundred Dollars per lot—and to authorize the Commissioners to apportion the aggregate sum of the whole number of lots by fixing upon each lot a specified price—grading the sums, in proportion to the relative, and real value, of each individual lot, so as not to reduce the aggregate sum of the whole below the aggregate minimum price fixed in the law. After having the lots thus valued, I would suggest the propriety of authorising a public sale when there might be a fair competition among purchasers,—and after such sale to authorise the acting Commissioner to sell at private sale under proper regulations all lots at the fixed price that might not have been sold at the public sale. This method would in my opinion, be an accommodation to individuals who might wish to procure lots for improvement.— It would guard against individual speculation; and secure to the Territory all the benefit resulting from the public expenditures in the City.

I would also respectfully suggest, to the consideration of the Legislative Assembly, a revision of the laws, that relate to the execution of title deeds, to lots, in Iowa City. It seems to me, the more convenient method would be to require the certificate of final payment signed [by] the Acting Commissioner, to be filed in the office of the Secretary of the Territory, and that on such certificate being filed, that the

Secretary of the Territo[r]y, should make out a deed, under the seal of the Territory, to be signed by the Executive, and countersigned by the Secreta[r]y—and that the original certificate should be filed in the Secretary's office; and a record of all deeds of conveyance kept therein.

On a visit to Iowa City on the 4th instant, I was gratified to see the extensive improvem[en]ts that have been made in that place within the last year. The basement story of the Capitol, is nearly completed, and in justice to the acting Commission[e]r, as well as the Gentlemen, who performed the work, I must say, that so far as the work had progressed, it was done, in the most substantial, and workmanlike manner; but I learn that owing to the difficulty, in procuring stone of sufficient size, for cut[t]ing, it has been thought advisable by the Commissioners, to change the plan, first contemplated, of building the house, of cut stone; and have adopted an other plan, that will be less expensive, —more expeditious, and of equal utility: the particulars of which, will be explained to you, in detail, by the Commissioners, in their report, that will be by them submitted to you.

I perceive by the journals of Congress that a bill was reported by the Committee on Territories to the House of Representatives early in the session, to enable the people of the Territory of Iowa to form a Constitution and state governm[e]nt and for the admission of such state into the Union. This bill was reported in connection with a bill extending the same privilege to the Citizens of Middle and west Florida. I have not yet learned the fate of these bills, but I

presume that they will both pass together, and probably the present session of Congress. I therefore suggest to the Legislative Assembly, the expediency of providing by law, for taking the sense of the people of this Territory, on the subject of a Convention, at the ensuing annual election. It appears to me, that there can be no objection, to submitting this subject to the people, for consideration, as an expression of public opinion thereon, through the ballot box, would enable the ensuing Legislative Assembly, to act understandingly, and in accordance with the expressed wish, of the people on this important subject. I regret that I have not been able to procure a statement of the number of inhabitants of the Territory. The Marshal of the U. S. informs me, that the returns from the counties, have not all been received by him, but they may be expected in a few days. As far as I have heard we have doubtless doubled our population the last two years, and we have now in the Territory, many more inhabitants than will be contained in the official enumeration, which was confined to the first of June—and before the necessary preliminary measures to prepare the way for our admission into the Union, I have no doubt but that our population will be sufficiently numerous to justify us in claiming a rank among the independent States.

That harmony may prevail in your deliberations, and all your efforts, be directed to the promotion of the public good, is the sinsere wish, of your obed[ie]nt

Servant

Robert Lucas[1]

Burlington July 14th 1840.

[1] Autograph signature.—Editor.

[*Recorded by Governor Lucas*]

Executive Department Iowa Territory
Burlington July 23rd 1840;

To the Honorable House of Representatives of the Legislative Assembly,

Gentlemen,

In compliance with your Resolution of this date, in the following words "*Resolved that the Governor be requested, to lay before this House, such papers, as he may think proper, to assist this House in forming an opinion, in relation to the payment of the annuities, to the Sac and Fox Indians.*"

I herewith submit for the information of the House of Representatives, a copy of a letter, addressed to me, by the late agent of the Sac & Fox Indians, dated August 15th 1839, detailing the statements of several of the chiefs, as made to him, at different periods, after the payment of the last years annuity— Also a copy of a letter, from William Phelps, one of the Agents, of the American Fur Company, addressed to the late Agent, dated January 20th 1840, and one from Jonah Smart, the U. S. interpreter, employed at the agency, addressed to the late Agent, dated January 25th 1840. These two letters, were addressed to Genl Street, on the subject of the payment, of the last annuities,—They detail the manner of said payments, and the application of the funds—These documents, were transmit[t]ed to me, by Genl Street, and were forwarded by me, to the proper Department of Indian affairs, at Washington City— They

will enable the House, to form a correct opinion, relative to the subject of enquiry—

Very respectfully your obt Servt

ROBERT LUCAS[1]

N. B. Please return these letters, to this office, after they may be journalize[d], in the House— R. L.

[*Recorded by Governor Lucas*]

PROCLAMATION.

By the Governor of Iowa Territory.

Sale of Lots in Iowa City.

In pursuance of the provisions of an act, entitled "An act, directing the valuation, and sale, of lots in Iowa City, and to provide for executing deeds for the same." Approved, the 24th of July A D 1840. I Robert Lucas Governor of the Territory of Iowa do hereby declare and make known that a public sale will be held at Iowa City in the county of Johnson in this Territory, to commenc[e] on Monday, the 31st day of August 1840, for the sale of lots, in said city, which sale will be held, under the direction of the Acting Commission[e]r of Public Buildings, and will be continued, from day, to day, until the whole of the lots, in said city, shall have been offered for sale. In pursuance of the provisions of the aforesaid act, the lots will all be valued, previous to the sale; and no lot, will be sold, for a less

[1] Autograph signature.—EDITOR.

sum, than the value placed upon each, lot— After the close of the Public sale as aforesaid, an office will be opened, in the City of Iowa, by the Acting Commissioner of Public Buildings, when all lots, in said City, that may not have been sold, at public sale, can be purchased, at private sale, at the minimum price, placed upon them respectively, by any person, or persons, applying for the same. All the particulars relating to the conditions of sale, will be made known, by the acting commission[e]r, at the commencement of the Public sale—

In testimony whereof I have her[e]unto set, my name, and caused the Great Seal, of the
L. S. Territory to be her[e]unto affixed— Done in the City of Burlington, in the Territory of Iowa, this Twenty fourth, day of July, in the year of our Lord, one thousand eight hundred and forty, of the Independence of the U. S. the 65, and of the organization of this Terr[i]tory the third.

ROBERT LUCAS[1]

By the Govnr, JAMES CLARKE Secr[e]t[ar]y of Trrty.

[*Recorded by Governor Lucas*]

MESSAGE OF THE GOVERNOR

Gentlemen of the Council, and
House of Representatives:

I conceive it to be my first duty, on our present meeting, to direct your attention, to the Providential favours; which

[1] Autograph signature.—EDITOR.

our common country has experienced, in the degree of health, dispensed towards its citizens; and the unusual abundance with which the soil, has rewarded the labour bestowed upon it.— The unparalleled improvem[en]ts, in our Territory, present an unerring index, to the prosperity and happiness of the people, which should excite within our breasts, feelings of the most profound gratitude; toward the author of those favours, and the gracious dispenser of all good.

The excitement produced by the intrusions upon the rights of the citizens of Iowa; by the authoriti[e]s of Missouri, near the boundary line, has subsided.— The prosecution commenced under the laws of the Territory, against a sheriff of Missouri, has been dismissed, and no further attempts have been made, by the authoriti[e]s of that state, to exercise Jurisdiction north of Sullivan's line.— The committee of Congress, in the House of Representatives, at the last session, after an elaborate examination of the subject, were of opinion, that the legitimate boundary line, as defined in the original act of Congress, and in the Constitution of the State of Missouri, would begin at the center of the Des Moines rapids, in the Mississippi river, and run from thence, on a parallel of latitude, due west, which would be several miles south of the line, contended for by the authorities of this Territory. The committee at the same time, this opinion was expressed, recommended the adoption of the line, commonly known, as the Old Indian boundary, or Sullivans line; and reported to the House of Representatives in Congress, a bill to establish this, as the per-

manent boundary line, of the State of Missouri, and the Territory of Iowa.— This report, appeared to be founded on equity.—this line has been generally conceeded, as the boundary between Missouri, and this Territory— It has divided the Surveyors General Districts, and the land Districts of the United States lands— The citizens who purchased land south of this line, did so with the impression that they were purchasing in the state of Missouri: and those who purchased north of it, with the belief, that they were purchasing in the Territory of Iowa. The purcha[s]ers of these lands, were governed in their purchases, by their locations.— Some preferred being in Missouri: and others in the Terr[i]tory.— Were this line now altered, it would be attended with great inconvenien[ce] to many citizens, on both sides of it.— We therefore trust, that the bill as reported, will be passed by Congress, at the ensuing session: and that the line thus designated, may be finally established, as the boundary, between the state of Missouri; and this Territory.— Though a strictly legal line, might embrace within this Territory; a small portion, of the inhabitants, south of this line, yet we never had a desire, to embrace within the limits of this Terr[i]tory, any tract of country that had been purchased by individuals at the land office, in Missouri, and settled upon by them, as being within that state—and I trust, that the same liberal feelings, will be reciprocated, by the inhabitants of Missouri, towards our citizens.

At the special session of the legislative assembly, a memorial was passed, memorializing the President of the

United States: to cause the annuities, due the Sac, and Fox, Indians, to be paid to the heads of families, or to such persons, as the majority of the nation, might request.— The memorial was immediately transmit[t]ed to Washington; but previous to its arrival an order had issued from the Indian Department; dated 18th of August 1840: directing the annuity for the present year, to be paid to the chiefs, as heretofore.— On the 28th of September, the Indians were assembled at the Agency, for payment,— They arrayed themselves into two parti[e]s.— One party wanted the money distributed on principles of justice, and equity, among the different bands, and to the heads of families.— The other party contended for its paym[en]t, to a few of the chiefs, to be distributed by them alone.— I was present on the occasion, and addressed both parties.— I advised them, to compromise the difference, among themselves—read and explained, to them, the Treaties, as well as the intercourse law, of the United States, and the regulations of the Indian Departm[en]t. I also explained to them, the order of the Indian departm[en]t, of the 18th of August; and informed them, that according to my understanding of the order, the money must be paid, to the same chiefs, and braves, that received it last year.— I had the names of the chiefs, and braves read to them, and advised them to meet in friendly Council by themselves, without the interference of any white men; and to decide among themselves, as to the receipt and distribution of the money—and told them, that when they had agreed among themselves, the money would be paid them.— The council adjourned in the evening—and the

chiefs, and braves, who received the money last year were expected to have met, in friendly council, next morning, to arrange their difficulties, and receive their money.— But some arrang[eme]nt appear[s] to have been made, at the agency, during the night, unknown to me, that frustrated the council, to be held on the morning of the 29th and Keokuck, through the Agent, had advised Major Pilcher, to leave the Indian Country, with the money, which he did that morning.— This removal of the money from the Indian Country, caused great excitement and dissatisfaction among the Indians.— When Major Pilcher left the Agency; he informed me, that the funds being in paper, could be changed for specie, and might be returned for payment, in about three weeks thereafter— I informed the Indians, of what Major Pilcher had told me, which appear[e]d for the time present, to reconcile them— But I have learned since my return from the Indian country, that some mischievous individuals, have been impressing upon the minds of the Indians, the belief, that the annuity will not be paid until Spring.— This was calculated to dissatisfy them with the Gov[ern]m[e]nt; lead to difficulties, among themselves, and endanger the peace of our borders.— I therefore with a view, to check these evils, issued a peremptory order, to the Agent of the 15th of October, directing him, to obtain the funds, that had been set apart, for the payment of the annuity for 1840, and to pay it to the same chiefs, and braves, whose names were found, to the receipt roll, of last year.— This I conceived to be in strict, accordance, with the order of the Departm[en]t.— Those chiefs, and braves,

number about *thirty*, and are distributed, about equal, among the different parties; and should the money be paid to them, in accordance with my order, to the Agent, and they be left to dispose of it, among th[e]mselv[e]s without the interferen[ce] of any of the traders, I have little doubt, but that it will be distributed, among the different bands, justly, and be paid as far as it will go, towards the liquidation, of the[i]r just debts;— But should the paym[en]t, from any consideration, be much longer delayed, there is danger, that the excitem[en]t produced by its postponement, will burst beyond the bound of restraint, and the Indians commence fighting, among themselves; and thereby endanger the peace of our frontier.—

I have conceived it to be my duty, to present the foregoing facts, for the information of the Legislative Assembly. It is certainly our duty, to look to these things, to be watchful of their operation; and of the movements of the Indians, so that we may not be taken by surprise. And while we make use of all the means, under our controle, to sustain peace, and harmony, among our Indian neighbors, as well as between them, and our citizens, we should be prepared, to meet any possible contingency, that might endanger, the peace of our frontier.— I have in my report to the Indian Department, given a detailed, account, of the situation of the Indians, with a full explanation, of my views, as to the cause and probable issue, that may be produced by the excitement, that now exists among them.

The situation of this nation, in connection with the Win[n]ebagoes, who have recently been removed to the tract of

country within this Territory, known as the Neutral Ground, bordering in part, on our northern settlements, and partly on the Sac and Fox country; should admonish us, to be on our guard, and to depend upon ourselves, for defense, in case hostilities should be commenced by them— In considera- of this state of things, I would respectfully suggest to the Legislative Assembly; the expediency, of authorizing by law, the organization of a number of mounted Volunteer Riflemen, say, one company, at least to every regiment, of militia, within the Territory, with authority for the Commandant of any Brigade, to increase the number, to a battalion, within his Brigade, and to provide, for calling them, into service, in case of Indian depredations; or threatened invasion. This precautionary measure, can do no harm, and may ultimately, secure our frontier from an Indian War.

The Secretary of War, informed me, some time since, that the Department had determined, to establish a depot, of public arms, and munitions of war, at *Rock Island*, to be supplied, to the citizens of the Territory, under proper regulations; should the same be wanted, to enable them, to defend themselves against Indian hostilities; but I have not yet, heard, that any have been depos[i]ted, at that place,— neither have I been informed, when there will be any.

The votes given, at the late gen[e]ral election, for and against a State Convention, were against a Convention by a large majority;— The sentiments of the people of the Territory, thus indicated, will nec[e]ssarily preclude, all further legislation, on the subject, at the present session.— The people have by their votes, expressed their preference for a

Territorial Governm[en]t, for the time being.— It will therefore, become your duty, to adopt a regular financial system, for the Territory; by which, the Territory will be enabled, to controle funds, sufficient to meet the necessary expences, incidental to Territorial affairs. I would therefore, recommend to the consideration of the legislative assembly, a revision of the financial laws, so as to provide a revenue sufficient, in amount, to meet the actual wants, of the government, distributing the burthen, and the benefits, among every class of commu[ni]ty, upon principles, of exact, justice, to all,— The Auditor of the Territory, will report to you, his views on this subject, to which, I solisite your respectful attention.

On an estimate forwarded, to the Treasury Departm[en]t, of the United Stat[e]s, by the Executive of the Territory, estimating the expenses, for the year 1840, there has been appropriated, for the pay, and mileage, of members of the present legislative assembly, for the pay, of offic[e]rs, for printing, furniture, stationery, fuel, and all other incidental expenses, the sum of $27,050. This sum, is deemed sufficient, to meet all necessary expenses.— I would therefore, recommend to the consideration of the Legislative Assembly, the propriety, of confining the expenditures, authorized by them, within the appropriation.— The Secretary of the Terr[i]tory, informs me that there is upwards, of Six thousand Dollars, due to individuals, for furniture, stationery, and services, rendered to the Legislative assembly, at the two first sessions; and for which, no funds, have been provided, for payment.— This deficiency, I reported

to the Treasury Departm[en]t, with my estimate, for the expenses of the year 1840, and solisited an appropriation, to meet it.

This method, of contracting debts, with individuals, beyond the means of payment, is practising a deception, upon the public creditors, and ought in my opinion, to be carefully avoided.

By reference to the appropriation bills, it appears that there were allowed to clerks, and offic[e]rs, of the legislative assembly, at the two first sessions, the following sums, to wit; first session, to the clerks, and offic[e]rs, of the Council, $2,850 and to the clerks, and officers, of the House of Representatives, $3,300; Second Session, to the clerks, and officers, of the Council $3,525, and to the clerks, and officers, of the House of Representativ[e]s, $2,925. These aggregate sums, were embraced, in the appropriation bills, but there is no law, in existence, in the Territory, that defines the officers, to whom this money was paid, or the compensation, allowed to any such officers. Until such law shall be passed, establishing the number, of officers, and fixing their compensation, it will be impossible, for the Executive, to comply with the annual, requisition of the Secretary of the Treasury Departm[en]t, of the U. S., in furnishing him, with a corre[c]t estimate, of the sum necessary, to defray the current annual expenses of the Legislative Assembly of the Territory. The States generally define by law, the number of clerks, and offic[e]rs employed in each branch, of the Legislat[iv]e Assembly— By the laws of Ohio, the number of clerks, and offic[e]rs to each

branch, and the compensation, of each, are specifically defined. According to the laws of that State, the compensation, of the clerks, and offic[e]rs, of both branches, of the legislative assembly, for a session, of Seventy-five Days, would amount to $1,200. In this Territory, at the first session, it amo[u]nted to $6,150, and at the second to $6,450. These statements are submit[t]ed, to the candid consideration of the Legislative Assembly, with a request, that a law may be passed, to provide for organizing the legislative assembly, defining the number of offic[e]rs, to be employed, together with the compensation, allowed to each.

In recommending this measure, I disclaim any desire on the part of the Executive, to prescribe to the legislature, the n[u]mber, or character, of offic[e]rs, to be employed in their respective branches; or the compensation, to be allowed to such offic[e]rs; The Legislatu[re] is the proper judge, in these things; and it is but fair to presume, that it will employ none, but such as are necessary, to the conveni[en]t dispatch of business, and that a compensation adequate, to the services of such offic[e]rs, will be allowed to them respectively.

I am not aware, that any important general subject, will be presented for legislative action. Your predecessors, have passed laws, embracing all general subjects,— Their re-c[e]nt enactments, would seem to require, their continuance in force, excepting in cases, where they may have been found, defective. Frequent changes, of general laws, are always attended with inconvenience to the public, and should be altered only with great caution.

Should any subject, requiring the attention of the legislative assembly, be commun[ica]ted to the Executive, during your session, it shall be promptly laid before you; and you may rest assured, of the co-operation of the Executive, in all measures, that may be calculated, to secure the prosperity of our country, and to advance the physical, intellectual, and moral condition of its inhabitants.

That your efforts, may harmonize, in promoting the public good, is the sincere desire of,

Gentlem[en]; your very obed[ie]nt Servant

Burlington Iowa Terr[i]tory
November 3d A D. 1840

ROBERT LUCAS[1]

[*Recorded by Governor Lucas*]

Executive Department Iowa Territory
Burlington December 8th 1840.

To the Honorable the Legislative Council.

Gentlemen,

There was a paper left in my office, a few days since, Endorsed "His Ex[c]ellency Robert Lucas" but without date, which was in the following words and figures. — "*Resolved that the Governor be requested to inform the Council, whether the contingent fund of $350. have been appropriated by Congress as provided for in the Organic law, and if so, what disposition has been made of said appropriation.*"

"The above has been adopted by the Council

B^N F WALLACE Secy"

[1] Autograph signature.—EDITOR.

On perusal of this resolution, without date, I confess that I was at a loss to conjecture, what could have been its object as there is no continge[n]t fund refer[r]ed to in the Organic law, of that amount, but the one of $350, which it declares, shall be appropriated annually, to be expended by the Governor, to defray the contingent expenses, of the Territory; this appropriation is under the exclusive controle, of the Governor, and for which he is accountable to the proper acco[u]nting officer of the Treasury Departm[e]nt of the U. S. and no other authority—And while I consider this Resolution out of its proper character, I at the same time, feel disposed to give to the Council, all the information I possess, on the subject of their enquiry— In answer to the enquiry "whether the contingent fund of $350. has been appropriated by Congress," I will inform the Council, that $350 has been appropriated merely as a contingent fund, for the Governor, and paid over to him, as such.— In answer to the second enquiry, "what disposition has been made of said appropriation"? I will inform the Council, that it has been expended by the Governor in the manner pointed out in the Organic law. The first year, the nec[e]ssary contingent expenses, of the Executive, including, Postage, office rent, office furn[i]ture, Books, and station[e]ry, exceeded the appropriation, without paying anything for clerk hire, & a private Secretary—as had been usually the case, at the end of the first year, I transmit[t]ed my acco[u]nt, to the Secretary of the Treasury, of the U. S., and rece[ive]d a reply from him, a copy of which, I herewith transmit for the informatio[n] of the Council, by this

letter, it will be perceiv[e]d, that no expenditur[e]s, by the Governor for contingencies over $350, per annum, could be allowed, and what I had nec[e]ssarily expended, over that sum the first year, had to be paid, out of the appropriation, for the second year; this was done, and I confin[e]d my expenditur[e], the second year accordingly. The appropr[i]ation of that sum, for the present year, has been forwarded to me, a part of it has already been expended, in the paym[en]t of Postage and various other, incidental expenses, and the ballance, will be expended within the year, in strict accordance, with the organic law. In conclusion I will state, that the necessary clerical aid, required in the Ex[e]cutive office, if adequately compensated would, am[ou]nt to a great part, of this appropriation, but none, has yet been applied for that purpose.— The rent of the office, occupied by the Executive, previously to opening the Library, was paid out of the contingent fund, but finding it not sufficient in amount, to pay office rents and other nec[e]ssary conting[e]nt expenses; and considering the rooms, I have occupied, for the last year, in the Library building, as connected with the Library, I have paid no rent, to the proprietor of the building therefor. If the rent paid, for the Library, was not sufficient for the whole building, it would certainly be just, that the proprietor, should be paid the deficiency—

By the letter, of the Secretary of the Treasury, herewith transmit[t]ed, it will be perceived, that the whole contingent expense, of the Executive Departm[en]t, of the Territorial Government including clerks, messengers, Fire-

men, Postage, and all other incidental expenses, of the Ex[e]cutive Depa[r]t[me]nt, cannot exceed $350, per annum, which is but a trifle more, than was paid, last session, by the Council, to each of their numerous officers, for services r[e]nde[re]d during the session.

Presuming that the object of the resolution, was to enable the Council, to form a correct opinion, as to the difference, between the contingent expenses, of the Executive, and Legislative Departments of the Territorial Gov[ern]m[e]nt —I have been thus explisite, in my answers to the enquiries—

which is respectfully
Submit[t]ed by your
Hon President, of obt Svt,
The Council, of Robert Lucas[1]
the Legislativ[e] Assembly.

[*Recorded by Governor Lucas*]

Executive Departm[en]t Iowa Terr[i]t[or]y,
Burlington December 17th 1840.

Sir,

In compliance with the request, of the Legislative Assembly, of this Territory, I have the honor, of transmit[t]ing to your Ex[c]ellency, the enclosed memorial, on the subject of the improvement of the navigation of the Mississippi river, with a requ[e]st, that the same may be sub-

[1] Autograph signature.—Editor.

mitted, to the consideration of the Legislature of the State, over which you preside—

Very respectful[l]y your obt
Servant
ROBERT LUCAS[1]

His Excell[en]cy,
The Governor, of the State of Missouri.
His Excell[en]cy,
The Govern[or], of the State of Illinois.
His Excell[e]ncy,
The Govern[o]r of Wisconsin Terr[i]t[or]y.
(Copy to each)

[*Recorded by Governor Lucas*]

Executive Department Iowa Territory
Burlington January 13th 1841.

To the Honorabl[e] the Legislative Council.

Gentlemen,

I hereby nominate, for your advice, and consent, the following named Gentlemen, for the respective Military offices annexed to their names, to wit:

	1st Division	1st Brigade
1st Regmt.	Hugh T Read, Colonel, in place of William Patterson resigned,	
2d Regmt	Silas S. Carpenter	Lieut Colonel,
	Benonah Farnam	Major

[1] Autograph signature.—EDITOR.

3d Regmt	Amos Fuller	Colonel
	Nicholas C Brown	Major
	William Dickman	Capt
	Gabriel N Taylor	1 Lieut[e]n[an]t
	Moses Mechan	2 Liut
	2 Brigade	
1st Regmt	George Temple	Colonel
4 compy	Benjamin Fouts	1 Lut
	Daniel Strangur	2 Lieut
6 compy.	James Westfall	Captain
	Jeremiah Roberts	1. Liut
	John Westfall	2. Liut
2 Regmt 2d comy	George Kessler	Captain
	George Willeford	1 Lieut
3rd Regmt Jefferson C Rifle Comy	Wm G Coop	Capt
	Miles Dreshell	1 Lut
	Sylvanus Herrington	2 Lieut
2 Comy	William Dorothy	Captain
	William Bonnifield	1 Liut
4 Comy	Talbott Savery	Captain
	Second Division, first Brigade	
	Albert Miller Lea Brigadier General	
1 Regnt— Wapello Cavalry	John Rinearson	Captain
	v[i]c[e] M Wilson	resigned
2nd Regnt	John W Brady	Captain Mo[u]nted Dragoons
	Er Thornton	1 Lut
	Henry Reed	2 Lut

	1 Co	Lewis McKee	1 Lut
		William F Dewebber	2d Liut
	2 Co.	Abram T Banks	Captain
		John Holliday	1 Lut
		Lewis McGrew	2 Lieut
	3 Co	Denson Van Hagen	Captn
		William A Bagley	1 Lut
		Samuel Hotchkiss,	2 Liut
	4 Co	Samuel Wilson	Captain
		George Hunt	1st Lieut
	5 Co	William Perry	Captain
		Joshua Hill	1 Liut
		Andrew Chambers	2 Liut
	6 Com	George W Cree	Captn
		Stephen Nye	1 Liut
		Elisha Bell	2 Liut
3 Regmt		Samuel C Trowbridge	Colonel
		Jesse B Magrew	Lieut Colonel
		William M Harris	Major
4 Regmt		Thomas Baker	Colonel
		Hiram A Stone	Liut Col
		Joseph B Davis	Major
		Second Brigade	
1 Regmt		John S Shiller	Colonel
		William P Eldridge	Lut Col
		Eben[e]zer Cook	Major
2 Regmt	1 Com,	Daniel McCrosky	1st Lut
		John R McCurdy	2 Lut
		3rd Division 1st Brigade	
1 Regmt		Anson Harrington	Colonel

John Bending Liut Colonel
2 Regmt George H Walworth Liut Col
all which is respectful[l]y
Subm[it]t[e]d by you[r]
obt Svt
ROBERT LUCAS[1]

[*Recorded by Governor Lucas*]

Executive Departm[en]t Iowa Terry,
Burlington February 2[d] 1841.

Gentlemen,

In compliance with your request I have examined with attention, the Act to Incorporate the city of Burlington, approved January 19[th] 1838.

The second section of the act, declares that "there shall be elected, by the free white citizens of said City, over the age of twenty one years, on the first Monday of February, on each year, the following named officers, of said city to wit; a Mayor, and eight Aldermen, a Marshal, a Recorder, Treasurer, and Engineer of the streets—*each of whome shall be commiss[io]ned by the Governor, of the Territory, and shall hold their offices, for the term of one year and until their successors, shall be elected and qualified* &c"

The Eighth Section, after defining the manner in which the first Election shall be held, directs, that a fair duplicate statement, of the result of the Election, shall be made out,

[1] Autograph signature.—EDITOR.

and signed by the said President, and clerk, one of which Duplicates, shall without delay, be transmit[t]ed to the Governor, under Seal, of the now (then) existing Corporation, and the other, shall be by the said President, delivered to the Mayor elected at said election, who shall file the same in his office. And all elections, thereafter shall be holden, in such manner, and at such place, as prescribed by the Common Council.

The foregoing are all the provisions, of the City Charter, that refers to the Executive. There appears to be no discretionary power, vested in him—The 2 section makes it his duty, to commission the officers therein named, and the 8th section, prescribed the manner in which he should be notified of the result of the election.

It therefore becomes my duty, whenever a statement of the election, made out, in such manner, as may have been prescribed, by the Common Council, and filed in the Executive office,—to issue commissions, to the persons named in such statement— There being no power vested in the Ex[e]cutive to adjudicate thereon.

Very respectful[l]y your
obt Sevt
Robert Lucas[1]

Messrs,
A. Bridgman
H. W. Moore
Geo. W. Kelley
Dr. R. Martin
Committee of
the Tippicano Club
Burlington, City

[1] Autograph signature.—Editor.

[*Recorded by Governor Lucas*]

PROCLAMATION.

By the Governor of Iowa Territory

Sale of Lots in Iowa City.

In compliance with the provisions, of the 10th section, of the Act, entitled "*An Act, providing for the appointment of a Superintendent of public Buildings, at Iowa City, and the appointment of a Territorial Agent, and for other purposes.*" Approved January 14th 1841. I Robert Lucas, Governor of the Territory of Iowa, do hereby declare, and make known, that a public sale, will be held, at Iowa City, in the County of Johnson, in this Terr[i]tory, to commence

On Monday, the 10th day of May, 1841,

for the sale of the unsold Lots, in said City, upon the following terms viz: one third paid down in cash, and the balance, in two semi-annual instalm[en]ts Provided, that no Lot, shall be sold, for a less sum, than the minimum price, fixed thereon, by the Agent and appraisers, appointed under the provision[s] of the 9th section of said act.

The sale will be held, under the direction of the Territorial Agent, and will be continued, from day, to day, at his discression, until all the unsold lots, in said City, shall have been offered for sale.

In testimony whereof, I have hereunto set my
L S name, and caused the Great Seal of the Ter-

rit[o]ry, to be hereunto affixed. Done at the City of Burlington, in the Territory of Iowa, the 15th day of March, A. D. 1841, of the Independence of the United States, the 65th and of the organization of this Territory the third— ROBERT LUCAS[1]

By the Govern[or],

(Signed) JAMES CLARK[E] Secreta[r]y of Terr[i]to[r]y

[*Recorded by Governor Lucas*]

Executive Departm[e]nt Iowa Terr[i]t[or]y.
Burlington April 2nd 1841.

Sir,

I lately received a letter from General Albert Miller Lea, dated, the 5th ultima, in which he informed me, that Mr Nicollet, was anxious to get a copy, of Judsons Map, of *Wisconsin and Iowa*, made for the Legislative Assembly, and solisited me, to to forward a copy, if I could spare one, to Col J. J. Abert, Topogra! Bureau, Washington City; for Mr J. N. Nicollet. In compliance with the request, of General Lea, I herewith transmit to your care, for Mr J. N. Nicollet, the original manuscript map, of Wisconsin, and Iowa, as drawn by Mr Judson, for the Legislativ[e] Assembly, and from which the published map was taken. These maps were ordered to be published, before the Organization of Iowa Territory, and the Legislatu[re]

[1] Autograph signature.—EDITOR.

of Wisconsin, claimed the whole of the printed copies— The manuscript map, I herewith transmit, I purchased from the engraver at Cincinnati, on my way to this Terr[i]t[or]y, in 1838. Subsequently the engraver, left with me a printed copy, of this map, on rollers, which is the only copy, within my knowledge, in the Terr[i]tory— I trust, the original manuscript will answer M[r] Nicollet's purpose, which you will do me the favour, to present to him with the compliments of your very ob[e]d[ie]nt

Serv[a]nt

ROBERT LUCAS[1]

Col J. J. ABERT,
Topographical,
Bureau,
Washington City.

[*Recorded by Governor Lucas*]

PROCLAMATION.

By the Governor, of Iowa Territory.

Whereas the Legislative Assembly, of the Territory of Iowa, passed an act, which was approved on the 13[th] day, of January, 1841, as follows to wit: "*An act fixing the time, for the annual meeting, of the Legislative Assembly.*" "Section 1, Be it enacted, by the Council, and House of Representatives, of the Territory of Iowa, That hereafter,

[1] Autograph signature.—EDITOR.

the Legislative Assembly, of this Territory, shall commence its annual session, on the first Monday of December. Section 2, That the next meeting, of the Legislative Assembly, shall be held in Iowa City, on condition, that the public buildings, at Iowa City; shall be so far constructed, that the Legislative Assembly, can be accommodated in said buildings, *Or, that other sufficient buildings shall be furnished, for the accom[m]odation of the Legislative Assembly, rent free;* and in either case, the Governer shall; issue his proclamation; informing the members of the Legislature of the fact. Section 3, All acts, and parts of acts, coming within the provisions, of this act, are hereby repealed."

And whereas satisfactory assurances have been given, that the conditions of said act, will be fulfilled, and that in case, the public buildings, should not be sufficiently completed, at the meeting of the Legislature, for their accomodation, that other sufficient buildings, will be furnished, for their accom[m]odation rent free.

I therefore in discharge of the duti[e]s, enjoined on me, by the second section, of said Act, do issue this my proclamation, informing the members of the Legislature of the fact, as provided in said act; and in consideration thereof, I do hereby declare, and make known, to the members of the Legislativ[e] Assembly, and to all other persons, concerned therein, that the next Legislative Assembly, of Iowa Terr[i]tory, will convene in Iowa City, in the County of Johnson, on the first Monday, of Dec[e]mber next; as requ[i]red by the Legislativ[e] act, aforesaid.

L. S.

In Testimony whereof, I Robert Lucas, Governor of the Territory of Iowa, have here-[u]nto set my name, and caused the great seal, of the Territory, to be her[eu]nto affixed.

Done at the City of Burlington, in the Territory of Iowa, this Thirtieth day of April, in the year of our Lord, one thousand, eight hundred, and forty one of the Independence of the United States of America, the sixty fifth and of the Organization, of this ter[r]itory the third.

ROBERT LUCAS[1]

(Signed) By the Gov[er]n[o]r,
JAMES CLARK[E], Secr[e]tary of Territory

[*Recorded by Governor Lucas*]

Burlington Iowa Territory,
June 18th A D 1841.

DANIEL WEBSTER Esquire
Secretary of State U. S.

Sir,

I received by last evenings mail, your communcation from the Department of State, dated the first of June, (which by the post mark, appears to have been mailed, at Washington City on the 2d inst) informing me "That the President of the United States, had by commission, bearing date the 25th of March last, appointed John

[1] Autograph signature.—EDITOR.

Chambers Esquire, Governor of the Territory of Iowa," and advising me "after he shall have ar[r]ived in said Territory, and been sworn into office, to consider him, as duly qualified to act as such; and to deliver to him, the books, papers, and other property, of the United States, in my possession, or controle."

This communication is the first, and only intelligence, of an official character, informing me of my removal, as Governor of Iowa Territory.— It appears, that Governor Chambers, anticipated the expectation of the department.— I have been informed, (though not officially) that he ar[r]ived at Burlington, on the 12th day of May, while I was absent at Iowa City, attending to official duties, and that on the 13th he assumed the duties of Executive of the Territory, without either reporting to me, his ar[r]ival, in the Territory, or awaiting my return to this place— Having previously, to my leaving Burlington, heard of the appointment of Colonel Chambers, I had left instructions, that should he arrive during my absence, present his credentials, and file in the office of the Secretary, a certificate of his oath of office, as required by the Organic law of the Territory, that the Seals of Office, with all the appendages, might be deliver[e]d over to him, should he require it. This was done, at his request, on the 13th of May, since which time, he has been exercising the prerogative of Governor of the Territory.

A few days since, I returned to this City, and on enquiry, I learned to my utter astonishment; that Col Chambers, had brought with him, no official notice of my removal, farther

than his commission, and up to this time, he has made, no communication to me, either written, or verbal.

I do not mention these facts, by way of complaint, but from their novelty; as I believe such proceedings, are unprecedented, in the annals of our Governm[en]t—

I shall from the receipt of your letter, consider my commission, as Governor of Iowa Territory revoked; which would have expired, by limitation on the 6th of n[e]xt month.

I am sir
Very respectfully
Your obed S[er]vant
ROBERT LUCAS[1]

[1] Autograph signature.—EDITOR.

An Appendix

NOTE OF EXPLANATION

Among the recently discovered papers of Governor Robert Lucas is a small manuscript volume (about five by seven and one-half inches in size) which contains, under the title of *Memorandum of Bills, Resolutions, &c.*, a journal or record of the action taken by the Governor on legislative bills and resolutions from November 27, 1838, to January 16, 1840. Since the matter recorded in this manuscript might very properly have been included among the executive acts, it is here presented as an appendix to the *Executive Journal.* Mention should be made of the fact that in the original manuscript the *Memorandum of Bills, Resolutions, &c.* appears in the handwriting of the person who recorded a considerable portion of the *Executive Journal* and who has been referred to as *X*____. (See editor's preface above).

The Editor

Memorandum

of

Bills, Resolution's

&c.

Submitted, and the action

taken upon them.

MEMORANDUM

OF

BILLS AND RESOLUTIONS

[*Recorded by X*_____]

Memorandum &c.

Novemb Resolution of both branches of the Legislative Assembly—

27th, 1838. On the subject of "printing the Laws etc." Submitted and approved—

Nov. 28. Bill "To fix the time for the first session of the Supreme Court of the Tʸ of Iowa" & approved—

Nov. 29. Joint Resolution "authorizing a Committee to examine into the condition of the Miners Bank of Dubuque"
approved—

Dec. 5th Memorial to Congress—Subject of public arms—

" " Also a Bill "An act relative to pleas in abatement etc" Approved

EXECUTIVE JOURNAL OF LEGISLATIVE ACTS, ETC.[1]

Dec. 14. Fannings Ferry Act—Dubuque—Approved with a Note—

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[1] This appears in the original MS. as a page head line.—EDITOR.

Dec. 14. An Act organizing Board of County Commissioners

" " Territorial Road from Keokuck to Iowa

" " To render valid the acts of R. G. Roberts J. P.

" " To repeal an Act of Wisconsin—Sess. of Courts

" " To authorize Williams et al to keep ferry

" " Memorial on mineral Lands—
All approved this day

Dec. 17. Sullivans Ferry Act with a Note.

" " Kirkpatrick do with Note—approved

Dec. 17. Act relative to Mechanics Liens—approved

Dec. 19. Incorporation of Agricultural Society's

" " Mode of Taking Depositions &c.

" " Territorial Road from Fort Madison—
Approved—

Dec. 20. An Act regulating intercourse between Ex. & Leg. dep. of I.
Returned with objections to the Council—

" " Collection of Demands vs. Boats &c.

" " Regulating Ferries.

" " Quo Warranto act.

Dec. 25. An Act to prevent and punish Gambling

EXECUTIVE JOURNAL[1]

Dec. 25. An Act—County Surveyors duties &c.

[1] This appears in the original MS. as a page head line.—EDITOR.

" " —Concerning debtors & their securities approved—Christmas day

Dec. 29. Joint Resolution appointing a "Fiscal Agent" Returned with objections H R.

" " An Act Territorial Roads

" " " " Wapello Seminary

" " " " Action of Right— Approved—

" " Act. Regulate Interest

" " " Divorce

" " " Unwholesom[e] liquors & provisions

" " Usher & Groom's Ferry Act, with a note— Approved—

OF LEGISLATIVE ACTS ETC.[1]

Dec. 31. An Act divide Henry Co. & create Jefferson Co. returned to H. Rep. with objections—

" " An Act Road from Black hawk to M[t] Pleasant.

" " Memorial to Congress relief of J Smith

Jan. 1, 1839 An Act providing for the establishment of Common Schools—Approved.

" 3 An Act to prevent the selling of Spirituous liquors to Indians—Approved

" " An Act for the relief of securities of persons charged with offences— —Approved.—

[1] This appears in the original MS. as a page head line.—EDITOR.

Jan^{y} 1839 Resolution of both houses

" 4th establishing titles of Bills—
Approved.

" " An Act to authorize Ralph Letton to establish a ferry &c
Approved.

" " Resolution of both Houses requiring of Russell & Reeves to furnish for the use of the Territory 2000 copies of laws &c Approved.

" " Joint Resolution on subject of Territory Seal &c approved

" " Joint Resolution requesting Judges of Supr[e]m[e] Court to furnish bills &c approved.

" " Joint Resolution of thanks to Dr. O. Fairchild Cint^{i} Ohio Approved

Jan^{y} 4. 1839 Joint Resolution authorizing Sect^{y} of Territory to procure seals for Courts &c
Approved

" " " Memorial to the Congress of the United States asking appropriation of land for buildi[n]g Penitentiary. Approved—

" " " An Act to organize disciplin[e] and govern the Malitia of this Territory—Approved.

" " " An act relative to promissory notes bonds &c approved

" " " An act regulating weights and measures Approved

" " " An act concerning fraud and Petit Jurors. Approved.

" " " An Act to provide for the partition of real estate Approved.

Jany 4. 1839 An Act regulating criminal proceedings

" " " An act to prevent disasters on steam Boats navigating the waters within the jurisdiction of this Territory.

" 7th An act to authorize Wm Meek & Sons to erect a dam across the Des Moines River. Approved.

" " An act allowing and regulating writs of attachment. Approved.

Jany 12 An act to incorporate the Bloomington & Cedar river Canal company. Approved—

" " An act to establish the boundaries of Louisa County & to locate the Seat of Justice of the said county & for other purposes—

Jany 12. Approved—

An act to authorize—Benjn Nye to build a dam across the Pine river. Approved.

" " Resoluti[o]n, for the pay of the commit[t]e[e] to investigate DuBuque Bank. Approved—

" " Joint Resolution on subject survey of the public lands. —Approved—

An act authorizing a special term of the District [Court] in Musquatin County

Jany 12. Approved—

" 15. An act to provide for the appointment of District Prosecutors and defining their duties.

Approved—

Jany 15. An Act to provide for the collecting of demands growing out of contracts for sales of improvements on public lands. Approved

" " An act to incorporate the Des Moines mill company and for other purposes.

Approved—

" " An act to organize the County of Linn and to establish the seat of justice thereof.

" " An act confirming grants of property made for for the encourageme[n]t of education and for other purposes. Approved.

" " An act to prescribe the mode of proving in courts in this Territory judgments written by Justices of the peace in the several states.

Approved.

1839

Jany 17. An act to authorize Henry Eno Geo. W How[e] Seth Richards & their associates to erect a Dam across the Des Moines River. Approved—

" 17th An act for the establishing Courts of Probate—

Approved—

" " An act for the improvem[e]nt of the Breed of Horses—
Approved—

Jany 18– An act concerning apprentices and servants—
Approved—

" " An act to provide for changing the venue in civil and criminal cases—
Approved

Jany 18 Report of Judicial Comee on Salary for Reporter to Supreme Court—approved—

" 19 An act concerning Insane persons—
Approved

1839
Jany 19 An act to authorize David W. Kilbourn to keep a ferry across the Mississippi river at the town of Montrose. *Approved—*

Jany 19 An act to regulate the mode of petitioning the Legislature in certain cases—Approved.

Jany 19 An act to incorporate the Plymouth Mill and manufacturing Company—*Approved—*

Jany 19. An act [to] authorize Robert Wilson his heirs or assigns to erect a dam across Skunk River—
Approved—

" " An act relating to the Office of Recorder of Deeds &c

Jany 19. An act concerni[n]g the constructions of Statutes &c—
Approved—

1839— Jan[y] 19– An act to authorize the appointment of Public Administrators in the several counties of the Ter[y] and for other purposes—
Approved—

Jan[y] 21. An act to provide for the appointment and duties of sheriff
Ap[p]roved

" " An act to incorporate the Burlington Steam Mill Company.
Approved—

" " An act to authorize Francis P. Blivern[1] to a Ferry &c
Approved—

" " An act to regulate Black[s] and Mulat[t]oes—
Approved—

" " An act to allow and regulate the action of waste—
—Approved—

1839
Jan[y] 21 An act to district the Territory of Iowa into electorial districts and apportion the members of the House of Representatives in the same—
Approved—

" " An act regulating the publication and distribution of the the Laws & Journals of the Legislative Assembly of the Territory of Iowa
Approved—

" " An act to authorize Gaines, Otis Reynolds and Co. —to keep a ferry across the Miss[i] river oppo-

[1] Probably intended for Bleving.—Editor.

site to the Round mound at the upper mouth of Des Moines river—

—Approved—

1839
Jan^{y} 21 An act fixing the terms of the Supreme & District Courts of the Territory of Iowa and for other purposes

Approved—

" " An act to provide for the compensation of Judges of Probate Approved—

" " An act to authorize James Leonard, Oliver A Crary W^{m} H Brown & Charles Swain[1] to establish & keep a ferry across the Miss^{i} river at the town of Charleston—

—Approved—

" " An act to locate the seat of government of the Territory of Iowa and for other purposes

Approved—

1839
Jan^{y} 21. An Act supplementary to "an act to locate the seat of Government of the Territory of *Iowa* and for other purposes

Approved—

" " An Act to divide the County of Henry & establish the County of Jefferson.

Approved—

" " Joint Resolution instructing Hon. W W Chapman to Apply for four Sec^{s} of land to locate the seat of government &c—

Approved—

[1] Probably intended for Swan.—Editor.

" " An act to provide for the appointing of Justices of the Peace, to pre[s]cribe their powers & duties and to regulate their proceedi[n]gs
Approved—

1839
Jany 23 An act authorizing John Carter to erect a dam across Big Cedar in Jefferson County. Approved

" " An act concerning water crafts found adrift, lost goods & estray animals
Approved—

Jany 23. An act to establish the boundaries of Lee County.
Approved—

" " An act concerning costs & fees

" " An act relative to proceedings in Chancery

" " An act regulating the action of Replevin

" " An act Incorporating the town of Bloomington

" " An act establishing Seminaries

" " An act for the relief of the Sh[eri]ff of Cedar Co.

1839
Jan 23d An act authorizing Smith et. al. to erect a dam across Skunk R

" " An act fixing place for annual meeting of the Legislative Assembly

" " An act for the relief of the Sh[eri]ffs of Lee & Scott Co.

" " An act for incorporation of public Libraries

" " Memorial to Congress Settlement on School lands

Jany 24 An Act to incorporate the Burlington & Iowa river Turnpike Company—
Approved—

" " An Act to organize the County of Jones and establish the seat of Justice thereof—
Approved—

1839
Jan 24 An act to incorporate Keosauqua lyceum

" " An act collect taxes off Half breed tract

" " An act concerning Vagrants

" " An act respecting Seals

" " " " Police of City of Burlington

" " An act Amendments and jeofails

" " An act County Revenue
Approved—

" " An act appointment of Territorial Treasurer

" " An act Election of Constables &c

" " An act Bills of Exchange

" " An act to restrain the incorpor[at]ed Banking Association

1839
Jan 24 An act preserve order in worshipping assemblys

" " An act Incorporate B & Des Moines transportation company

" 25– An Act to provide for the erection of a penitentiary and establishing & regulating Prison Discipline for the same approved

" " An Act regulating mills & millers & for other purposes—approved

" " An act to authorize the Governor to call a special session of the legislative assembly—*approved*—

Jany 25– An act regulating the issuing of writs of Ne Exeat and Injunctions

Approved

1839

Jany 25– An act relative to limited Partnerships—Approved

" " An act Crimes and Punishments

" " An act Iowa Mutual fire Insurance

" " An act minors orphans &c

" " An act legalizing acts of Co. Com.

" " An Act Bonds and other Security's

" " An act Fort Madison Ferry

" " An act Bail

Approved

" " An act District Court in Jefferson Co.

" " An act Boundary of Washington County (formerly Slaughter)

1839

Jan 25 An act regulating Practice in Courts &c

" " An act Wills, Testaments Executors &c

" " An act General Elections

" " An act Real & personal Estate to Execution

" " An act White Ferry at Fort Madison

" " An act Trespass on public domain

" " An act reference to arbitrators

" " An act limitation of actions

" " An act Town plots

" " An act Road DuBuq[ue] to Keosauqua

" " An act Sale Co. Com. land in Henry Co

1839
Jan 25. An act Territorial Revenue

" " An act Incorporate Davenport

" " An act Compensation of Sheriffs

" " An act certain Territorial Roads

" " An act Relocate Co seat of Van Buren

" " An act Repeal of Half Breed tract

" " An act forcible Entry & detainer

" " An act Districts for Election of Co. Com.

" " Memorial Half Breed tract

" " Memorial Postroute thro Jefferson Co.

Approved

1839
Jany 25 An act punish contempt and privilege members from arrest returned to Council with objections—

1839—
Novr 4th — Memorandum of Bills Resolutions &c submitted and the action taken upon them—Second session Iowa Territorial Legislative Assembly 1839–40

Nov. 25 — An act to authorize Vinson H. Wamsley & Barnet Restine to errect a dam across the Cedar Fork of Skunk river &c

Approved.

" " — An act to authorize the Legislative Assembly to punish for contempt &c presented for consideration (not returned within three days)

" " — Memorial of Jeremiah Smith

Approved.

" " — Joint Resolution relative to the appointment of Fiscal Agent.

Approved

Novr 26. — An act in relation to the safe custody of persons arrested for crimes & Misdemeanors. Approved Nor 26. 10 oclk A. M.

" 29th — Joint Resolution to Russell & Reeves printers of the laws of last Session. presented for consideration—(not returned within three days)

Decr 17. — An act to create the office of public printer & to define his duties.

" 17th — Returned with objections.

" " — Memorial for Donation of Land for Litrary purposes.

Approved.

[Decr 20. Memorial to Congress for amending the organic law. Approved][1]

Decr 20. An act to regulate the institution of suits by foreign execution and administrators within this Territory.

Approved.

Decr 20 An act to provide for the organization of the county of Delaware and to locate the seat of Justice thereof. Approved.

Dec. 20 An act to provide for appointing Librarian & other purposes.

Returned with objections.

Decr 23d An act r[e]lative to Cor[o]ners and their duties

Approved.

Decr 23d Memorial to Congress for amending the organic Law Approved. Transmitted

1839

Decr 23 An act to authorize evidence by the oath of parties.

Approved.

Decr 23 Resolutions relative to memorials & Resolutions passed at the last session.

Approved

Decr 23 An act to district the County of Henry into three County Commission[e]r districts.

Approved.

[1] This is crossed out in the original MS.—Editor.

Memorial to Congress on the subject of post roads in Iowa. Approved.
Transmitted

Decr 24. A memorial to Congress for an additional appropriation for the completion of the Penitentiary.
Approved

1839
Decr 24 An act to provide for the appointment of Notar[ie]s public and to prescribe their Duties.
Approved.

Decr 24 Memorial for a Survey of Skunk River.
Approved [sent Decr 30][1]

Decr 24 Preamble & joint Resolution relative to the unsurveyed Lands.
Approved—[sent Decr 30][1]

Decr 24 Memorial for the improvement of the Iowa & Cedar Rivers. [sent Decr 30][1]
Approved.

Decr 24. An act providing for the election of County Treasurers and to define their duties. *Approved.*

1839
Decr 30 An act to establish a Seminary of lea[r]ning at Parkhurst in Scott Co.
Approv[e]d.

Decr 30 An act relative to Landlords and tenants.
Approv[ed]

[1] Inserted in pencil.—Editor.

Dec 30. Joint Resolution relative to seals &c—approved.

" " An act to make valid in law the acts of I. C. Mather done & performed by him as County Surveyor of the County of Henry and Ter[y] of Iowa
Approv[e]d.

Dec[r] 31. Memorial relative to location by Commission[er]s of Henry County &c.
Approved

1839
Dec[r] 30. An act relative to landlords and tenants—
Approved

" 31[st] An act to incorporate the Bloomington education society—*Approved.*

" 30[th] A memorial for the Survey of the Harbor of the Town of Du Buque—
Approved.

" 31. An act to incorporate the Iowa Flouring Mill and manefactering Company
Appr[o]v[e]d.

Jan[y] 4 An act to provide for the appointment of Librarian and for other purposes.
Approved.

" 4[th] An act to Regulate conveyances.
Approved.

1840
Jan[y] 4 An act Regulating Grocery License
Approved.—

Jany 4. An act for the Relief of the Sheriff of Jackson County.
Approved.

" " An act to authorize Avery Thomas to keep a Ferry across the Mississippi River opposit[e] Cordovia Illinois. *Approved*

" " An act to provide for the support of illegitimate children

" " An act Regulating marriages—*Approved*

Jany 7th An act to incorporate the Philadelphia mill and manufacturing Company
Approved.

1840
Jany 7th An Act to encourage the distruction of wolves.
Approved.

" 7th An Act entitled An Act to organize the county of Linn and establish the Seat of Justice thereof.

Resolution relative to compensation to J. G. Edwards for printing in Pamphlet form the Act presenting the duties of Justices of the Peace.
Approved.

A memorial to Congress for an appropriation for a road opposit[e] Burlington in the Mississippi bottom.
Approved.

1840
Jany 7th Memorial for the speedy settlement of the Du-Buque Land Claim. *Approved.*

" " A memorial to Congress for an appropriation to remove obstructions on the rapids of the Mississippi.
Approved.

" " An Act for the limitations of suits on penal statutes and criminal prosecutions
Approved.

" " An act to provide for the appointment and duties of Auditor of Public Accounts and regulating the duties of Territorial Treasury. Approved.

1840.
Jan^{y} 8. An act to regulate Ferries in certain cases
Approved.

" " Resolutions relative to Printing of the Laws &c of the present Session. *Approved.*

" " *Resolution.* not *approved.*

" " An act to authorize Elijah Buel to keep a Ferry —*approved.*

" 9th An act to enable the citizens of Des Moines County to establish the seat of justice for said county—*Approved.*

9th An act to authorize the arrest and detention of fugitives from justice from other States and Territories of the United States
Approved.

1840
Jan^{y} 9th An act to amend an Act to incorporate the Iowa mutual Fire Insurance Company
Approved

" " Joint Resolutions on the subject of Post Offices
Approved

" " An act to make valid in law the deed of Si-Si-Saman a minor to John H. Knapp deceased
(passed, but not approved)

Jany 9. A resolution to defray the expenses incurred by the Joint Committee appointed to attend the remains of the Hon. Wm B. Conway to Davenport—
(passed but not approved)

1840
Jany 9 Preamble and Resolution for the benefit of the former Sheriffs. *passed but not approved.*

" " Memorial on the subject of an additional Land District in Territory of Iowa
Passed but not approved. Signed[1]

" 10th An Act to provide for the organization of Townships.
Approved

" 10th A Resolution requesting our Delegate in Congress to use his exertions to procure additional mail facilities on the rout[e] leading from Davenport to DuBuque.
Approved.

1840
Jany 10 An act to locate and establish a Territorial Road from Fairfield to Wapello &c *Approved.*

An act for the benefit of the Sheriff of Des Moines county
Approved.

[1] In the original MS. the word "approved" is by pencil crossed out and the word "signed" inserted.—Editor.

An Act to organize the County of Clinton and establish the seat of justice thereof.

Approved.

Jany 13 An act to incorporate the Bloomington Insurance Company—Approved.

" " An act to provide for an extra session of the Legislative Assembly.

passed but not approved.

1840
Jany 13. An act for the relief of Van Buren Co—approved.

" " An act for the relief of Cert[a]in Carriers—approved

An act to incorporate the Tuscarore Steam Mill Co.

Approved—

Joint Resolution requesting our Delegate in Congress to urge the passage of a law for a post Road.

Approved

A Memorial to Congress for an appropriation to improve roads from Iowa City to Prairie Du Chien—and from DuBuque to the County seat of Delaware.

Approved.

1840
Jany 13 Resolution providing for the payment of the rent of the building occupied by the Legislative Assembly

Approved.

Jany. 14 An act to establish a Seminary of learning at or near Antwerp in Cedar County—Approved.

" " An act to amend the Act providing for the appointment of Justices of the Peace.—
Approved.

" " An Act to authorize Adam Ritchie to erect a dam across Crooked Creek in Henry County.
Approved

1840
Jan[y] 14 An act establishing certain Territorial Roads the[re]in named. *approved*

" " An act amendatory to an act for assessing and collecting County Revenue approved January 24[th] 1839.
Approved.

" " An act for the relief of certain Officers in the Territory.
Approved.

" " Resolution Relative to the taking of the Census.
(passed but not approved)

An act to incorporate the town of Salem in Henry County. *Approved.*

An act to incorporate the Bloomington Mill & Manufacturing Company
Approved.

1840.
Jan[y] 14 An Act to provide for the execution of title deeds to lots in Iowa City, and for other purpose.
(passed but not signed)

" " Memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail rout[e]s in this Territory
Approved

" " Resolution Requesting the appointment of a resident Engineer. Approved.

" 15 An act to relocate the county seat of Clayton County
Approved.

" 15 Memorial to Congress on the subject of a turnpike road from the City of Burlington via Mt Pleasant to Fairfield. Approved—

1840.
Jany 15. A memorial to Congress for a further appropriation for the Road from Burlington to the Dis Moines River—approved.

A memorial for an appropriation for a Road from Keokuk via west point to Mt. Pleasant

Jany. 16th Preamble and memorial to Congress requesting the donation of the secs. of land contiguous to the Section donated as a location for the seat of government of this Territory.
Approved

An act to regulate the admission of attorneys
Approved

An act for the relief of certain Administrators
Approved.

1840
Jany 16. An act to establish a university at the Town of Mount Pleasant
Approved.

" " An act to authorize Wm Ingersoll to build a dam across Skunk River in Jefferson County—Approved

An act to amend "an act relative to Mechanics liens and for other purposes["]—approved. Dcr 17. 1839
Approved

An act relative to Habeas Corpus. Approved.

An act for the relief of the Poor. *Approved.*

An act amendatory of "An act subjecting real and personal estate to execution["] approved January 25. 1839
Approved.

Jany 16 An act to provide for the election of Delegate to Congress, Judge of Probate, Sheriffs—County Surveyor and to amend "An act regulating General elections in this Territory.["]
Approved.

An act to provide for the compensation of Printers Offices &c—
Approved.

16. An act to establish a system of common schools.
Approved

An [act] to remove & relocate the county seat of Lee County
Approved

A Resolution to provide for printing the reports of the decisions of the Supreme Court.—Approved.

1840
Jany 16 An act to authorize Robert E Mott to keep a ferry across the Des Moines river at the Round Mound in Lee County. *Approved*

An act relative to the authentication of statutes the approval of the Governor and for other purposes.

Approved.

An act to prevent frauds. Approved

An act to relocate the County seat of Clayton County. Approved

An act to provide for the annual organization of the Council & House of Representatives.

Approved

1840
Jan^{y} 16 Resolution relative to pay for carrying Extra Mail. (not signed)

An act to authorize W^{m} Warner to erect a dam across Big Cedar in Henry County. *Approved*

An act to establish a territorial road from Bloomington by Point Comfort to the western line of Washington County.

An act to authorize

An act to authorize John Troxell to erect a dam across Big Cedar in Jefferson Co.

Approved

1840
Jan^{y} 16 An act to authorize Harriet Knapp to sell & convey the interest of Nathaniel Knapp deceased in the half breed lands in Lee County

Approved.

[The following memoranda are found recorded in the original manuscript.]

1838. United States. Cr. by allowances made to office of superintendent of Indian affairs for Iowa Territory from 7th June 1838 per annum.

For the year 1839—	For defraying expences of Indⁿ visiting office— $100. For presents to Indians 100. For contingent expences 75. For Messenger 365.	1839 31. March Paid Jesse Williams as messenger– 111.00 June 30. Paid Jesse Williams messenger 91.00 pd J. Williams—the amt. allowed for conting[ent] expences 75

[Last page of book, other side up.]

Expenses of Executive office

paid for cut[t]ing wood——	$1.00
" candles——	5.00
Tin bason——	.50
hammer handle——	.25

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Fac simile of the handwriting of *X*——, opposite p. 40
Fac simile of the handwriting of *Y*——, opposite p. 114
Fac simile of the handwriting of Robert Lucas, opposite p. 161

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